

If now, confessedly without consideration of the intricate questions involved, we provide that at a certain date the railroads shall be restored to the prewar private control, then we establish the private railroad interests in every one of these strategic points. The public interest should be established in them. The private interests would then be compelled to unite with the Government in securing the enactment of a law fixing a permanent basis of transportation.

The legitimate interests of every investor under the law should be protected, and liberality rather than parsimony should govern their compensation. The Government and the people can afford to be liberal, they can always afford to be liberal, but they can especially afford to be liberal in this matter, because the costs of the transaction are small compared to the immense and permanent benefits to be derived from the correct settlement of the question.

To illustrate just by one instance, Boise, Idaho, in the midst of the sheep country, is 700 miles nearer to the wool market in Boston than Portland, Oreg.; yet under the old private operation of roads the freight rate on wool from the wool country, Boise, to the wool market in Boston was \$1.98 per hundred, while the rate from Portland, 700 miles farther away, was \$1. The rate on wool from Boise to Portland was 77 cents, so that it costs \$1.77 to ship wool from Boise to Portland, and back from Portland, through Boise, and on to Boston; while it costs \$1.98 to ship direct from Boise to Boston, 1,400 miles less of transportation. The amount that would be saved to the people of vast regions in the United States by the removal of unjust and inequitable discriminations of this kind would far more than compensate the Nation in increased production and prosperity and in release from unjust burdens of rate taxation for any cost which, whether temporarily or permanently, the Government would be put to in taking over the control of the roads.

I was once a member of a subcommittee investigating certain charges that the development of coal mines tributary to the Southern Railway system was suppressed by those who controlled its finances in the interest of northern roads in which they were concerned. The testimony indicated that rich coal fields within easy reach of southern ports by way of the Southern Road were prevented from being developed by discriminatory rates. The removal of motives and opportunities for such manipulation of development by the private control of transportation—which really is a public function and agency of the Government itself—which would be accomplished, will be another compensation, with the long list of others, which far more than overbalance even the most liberal measure of satisfaction of any private claims in these highways.

The Erie Canal is a natural regulator and reducer of freight rates on all transportation between the Atlantic coast and the great West, from the North Carolina line to the Canadian border.

I have that statement, which fastened itself in my mind, from one of the most important representatives of the railroads in the country, and it undoubtedly is a basic truth. Under the system reestablished by this committee bill, the power of the vast investments in railroad transportation has attacked and destroyed hundreds of water transportation systems, which, if preserved, would have had effects similar to that of the Erie Canal. Under public control all motives for opposition to supplementary water transportation will be removed and, on the other hand, by the union of these two arms of traffic the efficiency of both will be increased and the prosperity of the Nation multiplied.

To some the financing of either Government control or Government ownership of railroads appears to be an insuperable obstacle. The Government ownership is not a necessary accompaniment of Government control, and to some it is undesirable; but, with or without Government ownership, the Government financing of Government control could be effected without difficulty or embarrassment, and the savings alone which would result from the economies incident to the consolidation of various conflicting systems, by a system of amortization and gradual reduction of financial obligations, even though the burden of Government ownership were assumed, would go far toward extinguishing the debt in 50 years.

Neither has consideration been given by this bill or in the framing of it to methods, means, and organization of Government control. These details offer no insuperable obstacle. The appointment of assistant directors for various consolidated transportation systems, composed of what heretofore have been rival and competing lines, with jurisdiction coordinate with certain sections of the system, acting under the authority of the Director General—subject to the control of Congress, and with the assistance of the established commissions—could very readily be perfected into a satisfactory organization. These questions,

however, are open for discussion and adjustment. It is not pretended in this bill even to consider them, and the opportunity for their consideration will be very much compromised by the preference of the committee bill.

Now, who is in favor of the old system, other than the private owners of the railroads? A few pseudoconservatives. By pseudoconservatives I mean those who by their natural constitutions are opposed to change of any existing institution. It is a false conservatism, because it is an impossible attitude. For many it would be a very comfortable position if it could be maintained. But it is futile to resist change. Evolution is a law of human society as truly as of the rest of nature, and obstruction of its course leads either to decay or violence. The law of the survival of the fittest, in the struggles of men and nations, applies to policies of transportation as it does to every other essential activity of organized society.

In our complicated modern state the lives of the people, in a direct and literal sense, depend upon railway transportation. Its mismanagement or perversion for selfish private interests is instantaneously reflected in the economic life of the people.

It is going far to say that a factor so vital to the welfare and existence of the Nation shall by this bill, at a fixed time, be restored to private control, without even an attempt at settlement of the mighty issues involved.

Mr. STERLING. I send to the desk a proposed amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The VICE PRESIDENT. The motion is out of order.

Mr. LEWIS. Mr. President, let me suggest to the Senator—

Mr. SMITH of South Carolina. I move that the Senate take a recess, then.

The VICE PRESIDENT. No; that motion is out of order. There is a unanimous-consent agreement that on the legislative day of Thursday, February 21, 1918, the Senate will proceed to consider this bill in a certain way. There can be no legislative day of February 21 if a recess is taken.

Mr. LEWIS. Mr. President, that is all I rose for—to remind the Senator that that is the situation.

Mr. SMITH of South Carolina. I move, then, that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1918, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1918.

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Rule Thou, Almighty King, over the spirit and affairs of our land. Add Thy favor to all our undertakings, both civil and military. Govern with the conquering power of Thy will the aims and work of the President and his advisers, the Congress of the United States, and all our Army and Navy authorities. May God reign that the country may live.

Be with the officers, Members, and servants of this House individually. Teach them to live as though each day were to be their last before the night cometh when no man can work, and yet as though each day were the beginning of an endless chain of causation, with every linked effect in which each must reckon.

And when at last they reach the vale of Jordan, through the merits of the atoning Savior, land them as ransomed souls safe on Canaan's side.

Aid the grace of our Lord Jesus Christ and the love of God and the fellowship of the Holy Ghost be with us all evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, had agreed to the conference asked for by the House, and had appointed Mr. OVENMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

## CALL OF THE HOUSE.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] makes the point of order that there is no quorum present.

Mr. MASON. Mr. Speaker, pending that, may I ask unanimous consent to extend my remarks?

The SPEAKER. You can not turn a wheel until you get a quorum. Evidently there is no quorum present. The Doorkeeper will close the doors.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Illinois moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fairchild, G. W.	Kehoe	Riordan
Blackmon	Flood	LaGuardia	Rosenberg
Booher	Flynn	Leshner	Rowland
Britten	Focht	McCormick	Sanders, La.
Brumbaugh	Fuller, Mass.	McCulloch	Scott, Iowa
Candler, Miss.	Garland	McKenzie	Scully
Capstick	Gould	McLaughlin, Pa.	Sims
Carlin	Gray, Ala.	Magee	Simp
Chandler, N. Y.	Greene, Vt.	Maher	Sterling, Pa.
Coady	Gregg	Miller, Minn.	Sullivan
Connelly, Kans.	Hamill	Miller, Wash.	Summers
Cooper, Ohio	Harrison, Miss.	Montague	Templeton
Costello	Haskell	Mott	Vare
Curry, Cal.	Heintz	Nicholls, S. C.	Walker
Dallinger	Hensley	Nolan	Ward
Davidson	Holland	Oliver, Ala.	Wilson, Ill.
Doelling	Hollingsworth	Parker, N. Y.	Wilson, La.
Doremus	Hood	Porter	Winslow
Drukker	Howard	Pratt	Zihlman
Dyer	Husted	Price	
Eagle	Johnson, S. Dak.	Ragsdale	
Emerson	Jones, Tex.	Rayburn	

The SPEAKER. On this call 342 Members have answered to their names, a quorum.

Mr. DOWELL. Mr. Speaker—

Mr. KITCHIN. Mr. Speaker, I move to suspend further proceedings under the call.

Mr. DOWELL. Mr. Speaker, I desire to make a motion.

The SPEAKER. You can not make a motion until you get rid of this.

Mr. DOWELL. All right.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I desire to make a motion. I move that we dispense with Calendar Wednesday to-day.

The SPEAKER. The gentleman from Iowa moves that we dispense with the business usually transacted on Calendar Wednesday to-day.

Mr. DOWELL. Mr. Speaker, in view of the fact that we have under consideration the railroad bill, which is not only important to both branches of Congress, but to the entire country, it would seem to me we ought to proceed as rapidly as possible to the consideration of that bill, and it is for this reason that I make the motion. I believe it should be concurred in by all Members of the House.

The SPEAKER. The gentleman has five minutes.

Mr. DOWELL. I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa reserves four minutes.

Mr. KITCHIN. Mr. Speaker, I trust that the motion will not prevail. The chairman of the Committee on Interstate and Foreign Commerce has made no such request. It was understood by him and by the members of the committee that no such motion would be made. It is well known that that motion is not made to take up the railroad bill, but in order to defeat the Buchanan statue measure, which was before the House last

Wednesday. This bill, as I understand, if it is to become available at all, must be passed by March 1.

Mr. SLAYDEN. By July.

Mr. KITCHIN. I believe that the gentlemen who have charge of the Buchanan statue bill ought to have their day in court. Their day will be lost if it is dispensed with to-day, and they will get no more days until they get around the calendar again, and that will not be done again at this session.

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. WALSH. Is it not a fact that the Director General of Railroads has sent a letter to Members of both branches, urging the passage of the railway legislation without any delay whatever?

Mr. KITCHIN. Yes; and this is not delaying it. Of course, that meant under the rules of the House and the general course of procedure here, and they knew that you could not bring in a rule to dispense with Calendar Wednesday for the purpose of considering the railroad bill. Calendar Wednesday must be dispensed with either by a two-thirds vote or by unanimous consent.

Mr. DOWELL. In reply to the gentleman from North Carolina I desire to say that there are many Members of the House who desire to discuss the railroad bill. Under the rules they are not able to secure the time they desire in which to discuss this measure. If Calendar Wednesday is dispensed with every opportunity can be given for those who desire to present their views upon this question and to give it careful consideration, and it does seem to me that it is not proper to dispense with the consideration of the railroad bill in order to take up other matters at this time. I know the gentleman from North Carolina [Mr. KITCHIN] has frequently come to the House with the request that Calendar Wednesday be dispensed with in order that important legislation might be considered. He has always received not only a majority, but usually unanimous consent that Calendar Wednesday be dispensed with for that purpose. I know of no more important legislation than that which is now pending before the House, and it should have immediate consideration. Mr. Speaker, I ask for the yeas and nays on the motion.

Mr. SLAYDEN. Mr. Speaker, I believe I am entitled to the three minutes remaining of the five.

The SPEAKER. Yes.

Mr. SLAYDEN. I want to say in reply to the gentleman from Iowa [Mr. DOWELL] that if he had been less eager to filibuster and try to defeat this bill than he is to advance the consideration of the railroad bill we would have been through with it in half the time he has consumed. Last Wednesday, as almost every Member of this House knows, we discussed this bill and advanced it to the stage where, after having concluded general debate, we might have had a vote on it; but some gentlemen suggested to me that it would be at least courteous and considerate of their feelings if a vote were not pressed, because some of them had an engagement to go to the White House. I believed then, and I believe the House knows, that we had votes enough on the floor at that time to have passed the bill, but out of consideration for the 15 gentlemen we did not press it.

One of the very eminent Members on that side of the House who voted against the consideration of this bill assured me that so far as he knew there would be no more filibustering against it. I know he would not have deceived me, and so he must have been mistaken or his followers are out of hand. Now, Mr. Speaker, I am perfectly willing to have a vote on the measure at once, and the vote that the gentleman is demanding on his motion to postpone could be used to either pass or defeat the bill.

I submit, Mr. Speaker, for printing in the RECORD, a table that is a brief history of monuments heretofore erected in Washington by permission of the Congress. Nineteen of them were paid for out of the Public Treasury. Fifteen were provided by the joint contribution of citizens, or associations of citizens, and from the public moneys, while nine were provided for by citizens only.

Of the 15 that were paid for by joint public and private contributions some are memorials to very distinguished characters. Among them are Garfield, Andrew Jackson, Abraham Lincoln, John Witherspoon, Gen. W. T. Sherman, George Washington, and Frederick the Great. The last was given by the Emperor of Germany, and the pedestal paid for by appropriation out of the Treasury of the United States.

Among the nine memorials paid for wholly by private citizens we find represented the names of the following great men: Lincoln, Albert Pike, Kosciuszko, Benjamin Franklin, and Dr. Samuel Gross.

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## Statues in the public grounds, District of Columbia.

Statue.	Description.	Location.	Date unveiled.	Remarks.
Du Pont, Admiral.....	Standing.....	Dupont Circle; Massachusetts and Connecticut Avenues, Nineteenth and P Streets NW.	Dec. 20, 1884	Cost of statue and pedestal, \$20,500. Appropriated by Congress as follows: Act of Mar. 3, 1881, \$10,500; act of Feb. 25, 1882, \$10,000.
Daguerre, L. J. M.....	do.....	Smithsonian Grounds.....	Set in position in April, 1897. <sup>1</sup>	Presented to the Government by the Photographic Association of America; unveiled in National Museum Aug. 15, 1890.
Farragut, Admiral.....	do.....	Farragut Square; Seventeenth and K Streets NW.	Apr. 25, 1881	Cost of statue, \$20,000. Appropriated by Congress, act of Apr. 16, 1872.
Greene, Gen. Nathaniel.....	Equestrian.....	Stanton Park; Massachusetts and Maryland Avenues, Fifth and C Streets NE.	Turned over to the Government informally in 1877.	Appropriated by Congress: For statue act June 24, 1874, \$40,000; for pedestal, act Mar. 3, 1875, \$10,000.
Garfield, President.....	Standing.....	First Street and Maryland Avenue N. W.	May 12, 1887	Appropriated by Congress; \$7,500 for statue, act of Mar. 11, 1882; \$30,000 for pedestal, act of July 7, 1884; subscribed by the Society of the Army of the Cumberland for statue, \$25,000.
Gross, Dr. Samuel D.....	do.....	Smithsonian Grounds.....	May 5, 1897	Presented by physicians and surgeons of the United States; act of Congress, Mar. 2, 1895, authorized its erection in public grounds and appropriated \$1,500 for a pedestal.
Henry, Prof. Joseph.....	do.....	do.....	Apr. 19, 1882	Cost of statue and pedestal, \$15,000; appropriated by Congress June 1, 1880.
Hancock, Gen. Winfield Scott.....	Equestrian.....	Hancock Place; Seventh Street and Pennsylvania Avenue N. W.	May 12, 1896	For statue and pedestal, act of Mar. 3, 1891, \$10,000.
Hahnemann, Dr. Samuel.....	Sitting.....	East of Scott Circle, Massachusetts and Rhode Island Avenues and N Street NW., between Fifteenth and Sixteenth Streets.	June 21, 1900	Erected by the American Institute of Homeopathy. Act of Congress, Jan. 31, 1901, authorized its erection in public grounds and appropriated \$4,000 for a foundation.
Jackson, Gen. Andrew.....	Equestrian.....	Center of Lafayette Park.....	Jan. 8, 1853	Cost of statue, \$32,000; act of Congress, Mar. 3, 1853, appropriated \$20,000 of the amount, and \$12,000 was paid by the Jackson Democratic Association of Washington, D. C. Cost of pedestal, \$8,000. Appropriated by Congress, acts of Aug. 31, 1852, and Mar. 3, 1853.
Logan, Gen. John A.....	do.....	Iowa Circle, Vermont and Rhode Island Avenues, and Thirteenth and P Streets NW.	Apr. 9, 1901	Cost of statue and pedestal, \$65,000; \$50,000 appropriated by Congress, acts of Mar. 2 and 3, 1889; \$15,000 paid by Society of the Army of the Tennessee.
Lafayette, Gen., and compatriots.	Standing.....	Southeast corner of Lafayette Park....	Completed in April, 1891. No ceremonies.	Cost of statue and pedestal, \$50,000; appropriated by Congress, act of Mar. 3, 1885.
Lincoln, President.....	Standing column.....	In front of United States courthouse, Judiciary Square.	About 1869...	Erected by popular subscription by citizens of the District of Columbia.
Do.....	Sitting.....	Lincoln Park, East Capitol and Eleventh and Thirteenth Streets.	Apr. 14, 1876	Erected by the emancipated citizens of the United States, who subscribed \$18,000 for the statue. Its erection in public grounds authorized by act of Congress June 23, 1874, which also appropriated \$3,000 for a pedestal for the statue.
McPherson, Maj. Gen. James B.	Equestrian.....	McPherson Square, Vermont Avenue, Fifteenth and K Streets NW.	Oct. 18, 1876	Cost of statue, \$23,500, paid by Society of the Army of the Tennessee. Cost of pedestal, \$25,000, appropriated by Congress, act of Mar. 3, 1875.
Pike, Gen. Albert.....	Standing.....	Indiana Avenue, Third and D Streets NW.	Oct. 23, 1901	Erected by the Masonic Fraternity of the United States. Act of Congress, Apr. 9, 1898, authorized its erection in public grounds, and states its cost shall not be less than \$10,000.
Rochambeau.....	do.....	Southwest corner Lafayette Park.....	May 24, 1902	Cost of statue and pedestal, \$22,500; appropriated by Congress, act of Mar. 3, 1901, \$7,500; act of Feb. 14, 1902, \$15,000.
Rawlins, Gen. John A.....	do.....	South of Pennsylvania Avenue, between Eighth and Ninth Streets NW. <sup>2</sup>	Completed in November, 1874. (No formal ceremonies.)	Act of Congress June 10, 1872, appropriated \$10,000 for statue and act of June 22, 1874, appropriated \$3,000 for pedestal, which last act authorized its erection in Rawlins Square.
Scott, Gen. Winfield.....	Equestrian.....	Scott Circle, Massachusetts and Rhode Island Avenues, Sixteenth and N Streets NW.	Turned over to the Government informally in 1874.	Appropriated by Congress for a statue, Mar. 2, 1867, \$20,000; July 15, 1870, \$15,000; for pedestal, July 10, 1872, \$12,000.
Thomas, Maj. Gen. George H.	do.....	Thomas Circle, Massachusetts and Vermont Avenues, Fourteenth and M Streets NW.	Nov. 19, 1879	Cost of statue, \$35,000, paid by the Society of the Army of the Cumberland. Cost of pedestal, \$25,000. Appropriation by Congress, act of July 31, 1876.
Washington, Gen.....	do.....	Washington Circle, Pennsylvania Avenue, Twenty-third and K Streets NW.	.....	Cost of statue and pedestal, \$50,000; appropriated by Congress, act of Mar. 3, 1853.
Barry, Commodore John.....	A granite pedestal surmounted by a pedestrian figure in bronze of Commodore Barry.	Fourteenth Street side of Franklin Park between I and K Streets NW.	May 16, 1914	Act of June 8, 1906, provided the sum of \$50,000 for the construction and erection of this statue.
Columbus, Christopher.....	Memorial fountain with standing figure of Columbus on prow of ship.	Union Station Plaza.....	June 8, 1912	Act of Mar. 4, 1907, appropriated \$100,000 for this memorial.
Stephenson, Franklin B., Grand Army Memorial.	Granite shaft with 2 bronze figures, soldier and sailor, and bronze medallion of Stephenson.	United States Reservation 36a, Louisiana Avenue, Seventh and C Streets NW.	July 3, 1908	Public resolution of Mar. 4, 1907, appropriated \$10,000 for the preparation of a site and the erection of a pedestal for this memorial which was presented by the Grand Army of the Republic.
Grant, Gen. Ulysses S.....	A long terrace of marble with the equestrian statue of Gen. Grant in the center. On one end of this terrace there will be an artillery group; on the other a cavalry group. Surrounding the equestrian statue are 4 bronze lions.	Located in the east end of Botanic Garden Grounds at First Street west, between Pennsylvania and Maryland Avenues.	(Not completed. In contemplation.)	Authorized by act of Congress June 28, 1902, which limits the cost to \$240,000. The act of Feb. 23, 1901, provided \$10,000 for procuring designs for the memorial. All the architectural work, the bronze artillery group, and the 4 bronze lions are in position. There remains to complete this memorial the bronze cavalry group, the bronze equestrian statue of Gen. Grant, and the 2 bas-reliefs for the central pedestal.
Jones, John Paul.....	Standing.....	Potomac Park, at foot of Seventeenth Street Driveway.	Apr. 17, 1912	Act of June 8, 1906, appropriated \$50,000 for the statue and pedestal.
Kosciuszko, Gen. Thaddeus.....	do.....	On the northeast corner of Lafayette Square.	May 11, 1910	Presented by the Polish-American organizations and people in United States. Its acceptance and erection in Lafayette Park authorized by joint resolution of Apr. 18, 1904.
Longfellow, Henry Wadsworth.	Sitting.....	U. S. Reservation 150, Connecticut Avenue, Eighteenth and M Streets NW.	May 15, 1909	Joint resolution of June 8, 1906, appropriated \$4,000 for preparation of a site and erection of the pedestal for this statue which was provided by the Longfellow National Memorial Association.

<sup>1</sup> The statue of Daguerre was removed from the National Museum and set up in the Smithsonian Grounds under permission granted by the officer in charge of Public Buildings and Grounds, Apr. 12, 1897.

<sup>2</sup> The statue of Gen. Rawlins was originally located in Rawlins Square on New York Avenue, between Eighteenth and Nineteenth Streets. By act of Congress, May 17, 1886, \$500 was appropriated for its removal to the present location.

## Statues in the public grounds, District of Columbia—Continued.

Statue.	Description.	Location.	Date unveiled.	Remarks.
Lincoln, Abraham (memorial to).		West Potomac Park.....	(Not completed.)	Authorized by act of Congress approved February 9, 1911, amount appropriated for securing designs, \$50,000. Amount appropriated for construction, \$2,594,000.
McClellan, Gen. Geo. B.....	Equestrian.....	U. S. Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 7, 1907	Authorized by act of Mar. 3, 1901, \$50,000.
Pulaski, Gen. Count .....	do.....	U. S. Reservation 33, Pennsylvania Avenue, Thirteenth and E Streets NW.	May 11, 1910	Act of February 27, 1903, \$50,000 for statue and pedestal.
Peace or "Naval" Monument.	Standing.....	Pennsylvania Avenue and First Street NW.	Unknown....	Sundry civil act approved July 31, 1876, appropriated the sum of \$20,000 for completing the statue of "Peace" and provided for the selection of a site on the public grounds in the city of Washington for the erection of the statue. It is understood that part of the cost of this statue was defrayed by private subscription.
Steuben, Baron von.....	do.....	On the northwest corner of Lafayette Square.	Dec. 7, 1910	Act of Feb. 27, 1903, \$50,000 for statue and pedestal.
Sheridan, Gen. Philip H.....	Equestrian.....	Sheridan Circle, Massachusetts Avenue and Twenty-third Street, between P and Q Streets NW.	Nov. 25, 1903	Act of Mar. 2, 1899, \$40,000; act of Mar. 3 1891, \$10,000 for statue and pedestal.
Sherman, Gen. Wm. T.....	do.....	Sherman Plaza, south of United States Treasury Building.	Oct. 15, 1903	Appropriated by act of July 3, 1892, \$50,000; appropriated by act of Mar. 2, 1895, \$30,000; subscribed by the Army of the Tennessee for statue, \$11,000. Additional amounts, aggregating \$40,055.05, have since been appropriated for sub-foundation, mosaic work, granite curb, improvements of grounds, etc.
Witherspoon, John.....	Standing.....	United States Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 20, 1909	Public Resolution of May 23, 1908, appropriated \$4,000 for the preparation of a site and the erection of the pedestal for this statue, which was provided by the Witherspoon Memorial Association.
Webster, Daniel.....	do.....	West of Scott Circle; Massachusetts and Rhode Island Avenues and N Street NW., between Sixteenth and Seventeenth Streets.	Jan. 18, 1900	Presented by Mr. Stilson Hutchins to United States. Act of Congress, July 1, 1893, authorized its erection in public grounds and appropriated \$4,000 for a pedestal for same.
Bartholdi.....	Fountain.....	Botanic Garden.....	About 1877....	The fountain was first at the Philadelphia Exposition, and was sold to the Government by the sculptor. Cost to the Government not known.
Frederick II, of Germany, surnamed "The Great."	Standing.....	Army War College.....	Nov. 19, 1904	The statue was a gift of the German Kaiser to the United States, in appreciation of courtesies extended Prince Henry of Prussia during the latter's visit to this country in 1902. The pedestal was furnished by the United States. Act of Apr. 28, 1901.
Franklin, Benjamin.....	do.....	Old Times Square, Pennsylvania Avenue and Tenth Street.	Erected Jan. 17, 1889, without dedication.	Given to the city by Stilson Hutchins, a citizen of Washington, D. C.
McMillan memorial.....	Fountain.....	McMillan Park.....		Presented to the United States by citizens of Michigan. Cost of fountain, \$25,000; appropriated, \$15,000. Act June 25, 1910.
Millet-Butt memorial.....	do.....	South of White House Grounds at northwest junction of the road around those grounds with the road around the ellipse.		Erected by friends of Francis Davis Millet and Archibald Wallingham Butt, at a cost of \$5,000. The sculptor and architect donated their services. Act Aug. 24, 1912.
Rush, Benjamin.....	Standing.....	Naval Hospital Grounds.....		
Shepherd, Alexander R.....	do.....	In front of Municipal Building.....	May 3, 1909	Cost \$10,192.67; defrayed by public subscription in the city of Washington, D. C.
Washington Monument.....	Pyramidal shaft.....	The Mall.....		Cost \$1,300,000. Construction started by Washington National Monument Society and taken up in 1876 and concluded by United States Government.

Mr. Speaker, I have a little time remaining, and I yield to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the alien conscription bill reported by the committee.

The SPEAKER. The gentleman from Illinois [Mr. MASON] asks unanimous consent to extend his remarks in the RECORD on the alien-slacker bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, has not the gentleman already obtained permission for that?

Mr. MASON. I thought I had, but I am not sure, and I wish to be sure, and it does not take any time to give this consent now.

The SPEAKER. Is there objection?

Mr. SHOUSE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects. The question is on the motion of the gentleman from Iowa [Mr. DOWELL] to dispense with Calendar Wednesday.

Mr. DOWELL. On which I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of dispensing with Calendar Wednesday will, when their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 228, answered "present" 2, not voting 80, as follows:

## YEAS—118.

Anderson	Cooper, W. Va.	Dempsey	Elston
Ayres	Cooper, Wis.	Denison	Fairchild, B. L.
Bland	Cramton	Doolittle	Fairfield
Bowers	Currie, Mich.	Dowell	Fordney
Browne	Dale, Vt.	Dunn	Foss
Burroughs	Davidson	Elliott	Francis
Campbell, Kans.	Davis	Ellsworth	Frear

Freeman  
French  
Fuller, Ill.  
Gillett  
Good  
Goodall  
Graham, Ill.  
Green, Iowa  
Greene, Mass.  
Hadley  
Hamilton, N. Y.  
Hamlin  
Hawley  
Helvering  
Hersey  
Hicks  
Hull, Iowa  
Ireland  
James  
Johnson, Wash.  
Juul  
Kahn  
Kearns

Kelly, Pa.  
Kennedy, Iowa  
King  
Knutson  
Kraus  
La Follette  
Lehlbach  
Lenroot  
Little  
Lobeck  
Longworth  
Lufkin  
Lundeen  
McArthur  
McKenzie  
McLaughlin, Mich.  
Madden  
Mapes  
Meeker  
Merritt  
Mondell  
Moore, Ind.  
Morgan

Mott  
Nelson  
Nichols, Mich.  
Paige  
Parker, N. Y.  
Platt  
Purnell  
Ramsey  
Randall  
Rankin  
Reavis  
Reed  
Roberts  
Rogers  
Sanders, Ind.  
Sanders, N. Y.  
Sanford  
Scott, Mich.  
Sinnott  
Sloan  
Smith, Idaho  
Snell  
Snyder

Stafford  
Sterling, Ill.  
Stiness  
Sweet  
Switzer  
Temple  
Tilson  
Timberlake  
Tinkham  
Towner  
Vestal  
Volgt  
Volstead  
Waldow  
Walsh  
Wason  
Wheeler  
White, Me.  
Williams  
Wood, Ind.  
Woods, Iowa

## NAYS—228.

Browning	Chandler, Okla.	Denton
Brumbaugh	Clark, Fla.	Dewalt
Buchanan	Clark, Pa.	Dickinson
Burnett	Claypool	Dill
Butler	Collier	Dillon
Byrnes, S. C.	Connally, Tex.	Dixon
Byrns, Tenn.	Connolly, Kans.	Dominick
Caldwell	Cooper, Ohio	Doremus
Campbell, Pa.	Copley	Doughton
Cannon	Cox	Drane
Cantrill	Crago	Dupré
Caraway	Crisp	Eagan
Carew	Crosser	Edmondson
Carlin	Dale, N. Y.	Esch
Carter, Mass.	Darrow	Estopinal
Carter, Okla.	Decker	Evans
Cary	Dent	Farr



Press	Kiess, Pa.	Overstreet	Smith, C. B.
Fields	Kincheloe	Padgett	Smith, T. F.
Fisher	Kinkaid	Park	Snook
Poster	Kitchin	Parker, N. J.	Stegall
Gallagher	Kreider	Peters	Steele
Gallivan	Langley	Phelan	Steenerson
Gandy	Larsen	Polk	Stephens, Miss.
Gard	Lazaro	Pou	Stephens, Nebr.
Garner	Lea, Cal.	Powers	Sterling, Pa.
Garrett, Tenn.	Lee, Ga.	Price	Stevenson
Garrett, Tex.	Leshner	Quin	Strong
Glass	Lever	Rainey	Swift
Glynn	Linthicum	Raker	Tague
Goodwin, Ark.	Littlepage	Ramseyer	Talbot
Gordon	London	Rayburn	Taylor, Ark.
Griest	Loneragan	Robbins	Taylor, Colo.
Hamill	Lunn	Robinson	Thomas
Hamilton, Mich.	McAndrews	Romjue	Thompson
Hardy	McClintic	Rose	Tillman
Harrison, Va.	McFadden	Rouse	Van Dyke
Hastings	McKeown	Rowe	Venable
Hausen	McKinley	Rubey	Vinson
Hayden	McLemore	Rucker	Walton
Hayes	Mansfield	Russell	Watkins
Heaton	Mason	Sabath	Watson, Pa.
Heflin	Mays	Saunders, Va.	Watson, Va.
Helm	Montague	Schall	Weaver
Hilliard	Moon	Scott, Pa.	Webb
Houston	Moore, Pa.	Sears	Welling
Huddleston	Morin	Sells	Welty
Hull, Tenn.	Muld	Shackleford	Whaley
Humphreys	Neely	Shallenberger	White, Ohio
Hutchinson	Nolan	Sherley	Wilson, Tex.
Igoe	Norton	Sherwood	Wingo
Jacoway	Oldfield	Shouse	Wise
Johnson, Ky.	Oliver, N. Y.	Siegel	Woodyard
Jones, Va.	Olney	Sisson	Wright
Keating	Osborne	Slayden	Young, N. Dak.
Kennedy, R. I.	O'Shaunessy	Small	Young, Tex.
Key, Ohio	Overmyer	Smith, Mich.	Zihlman

## ANSWERED "PRESENT"—2.

Gray, N. J. Treadway

## NOT VOTING—80.

Anthony	Fairchild, G. W.	Pratt
Blackmon	Ferris	Ragsdale
Booher	Flood	Riordan
Borland	Flynn	Rodenberg
Britten	Focht	Rowland
Candler, Miss.	Fuller, Mass.	Sanders, La.
Candstick	Garland	Scott, Iowa
Chandler, N. Y.	Godwin, N. C.	Scully
Church	Gould	Sims
Classon	Graham, Pa.	Slemp
Coady	Gray, Ala.	Stedman
Costello	Greene, Vt.	Sullivan
Curry, Cal.	Gregg	Sumners
Dallinger	Harrison, Miss.	Templeton
Dies	Haskell	Vare
Dooling	Heintz	Walker
Drukker	Hensley	Ward
Dyer	Holland	Wilson, Ill.
Eagle	Hollingsworth	Wilson, La.
Emerson	Hood	Winslow

So, two-thirds not having voted in favor thereof, the motion to dispense with the business of Calendar Wednesday was rejected.

The following pairs were announced:

Until further notice:

Mr. FLYNN with Mr. BRITTEN.

Mr. SCULLY with Mr. ANTHONY.

Mr. FERRIS with Mr. FULLER of Massachusetts.

Mr. STEDMAN with Mr. GREENE of Vermont.

Mr. OLIVER with Mr. GEORGE W. FAIRCHILD.

Mr. BLACKMON with Mr. HOLLINGSWORTH.

Mr. BOOHER with Mr. TREADWAY.

Mr. DIES with Mr. CHANDLER of New York.

Mr. DOOLING with Mr. DYER.

Mr. EAGLE with Mr. EMERSON.

Mr. BORLAND with Mr. FOCHT.

Mr. COADY with Mr. GARLAND.

Mr. FLOOD with Mr. GOULD.

Mr. GODWIN of North Carolina with Mr. GRAHAM of Pennsylvania.

Mr. GREGG with Mr. HUSTED.

Mr. HARRISON of Mississippi with Mr. KELLEY of Michigan.

Mr. HENSLEY with Mr. COSTELLO.

Mr. HOLLAND with Mr. DALLINGER.

Mr. HOOD with Mr. McCULLOCH.

Mr. HOWARD with Mr. McLAUGHLIN of Pennsylvania.

Mr. JONES of Texas with Mr. MILLER of Minnesota.

Mr. KEHOE with Mr. PRATT.

Mr. KETTNER with Mr. RODENBERG.

Mr. MAHER with Mr. ROWLAND.

Mr. MARTIN with Mr. SLEMP.

Mr. NICHOLLS of South Carolina with Mr. TEMPLETON.

Mr. RAGSDALE with Mr. MCCORMICK.

Mr. RIORDAN with Mr. WILSON of Illinois.

Mr. SANDERS of Louisiana with Mr. WINSLOW.

Mr. SIMS with Mr. MILLER of Washington.

Mr. SULLIVAN with Mr. PORTER.  
Mr. SUMNERS with Mr. HASKELL.  
Mr. WALKER with Mr. DRUKKER.  
Mr. WILSON of Louisiana with Mr. WARD.  
Mr. MAGEE (for dispensing with Calendar Wednesday) with Mr. CANDLER of Mississippi (against).

Mr. TREADWAY (for dispensing with Calendar Wednesday) with Mr. BOOHER (against).

Mr. TREADWAY. Mr. Speaker, I would like to inquire if the gentleman from Missouri, Mr. BOOHER, has voted.

The SPEAKER. He has not.

Mr. TREADWAY. I voted "no." I am paired with the gentleman from Missouri, and would like to withdraw that vote and answer "present."

The Clerk called the name of Mr. TREADWAY, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McLAUGHLIN of Pennsylvania, for the balance of the week, on account of illness; and

To Mr. STEDMAN, for one week, on account of death in the family.

## STATUE OF JAMES BUCHANAN.

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to raise the question of consideration.

Mr. SLAYDEN. Mr. Speaker, I suggest that that motion is dilatory.

The SPEAKER. No; a Member has the right to raise the question of consideration.

Mr. SLAYDEN. It is palpably dilatory.

The SPEAKER. Perhaps the gentleman is correct. This is Calendar Wednesday, and the unfinished business of the House is House joint resolution 70, "Authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States," and the gentleman from Massachusetts raises the question of consideration.

The question was taken; and on a division (demanded by Mr. Walsh) there were 136 ayes and 52 noes.

Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum voted on this question.

The SPEAKER. The Chair overrules the point of order because the roll call just demonstrated that a quorum is present.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays.

The question was taken, and 32 Members rose in favor thereof.

Mr. STAFFORD. Mr. Speaker, I ask for the other side.

The other side was taken, and 142 Members rose.

The SPEAKER. The yeas are 38 and the noes 142—not a sufficient number; and the House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Kentucky [Mr. SHERLEY] will take the chair temporarily until the gentleman from Kentucky [Mr. JOHNSON] appears.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERLEY in the chair.

The CHAIRMAN. The Clerk will report the resolution by title.

The Clerk reported the title of the resolution.

The CHAIRMAN. General debate having been concluded, the Clerk will read the resolution for amendment.

The Clerk read as follows:

*Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: Provided, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.*

Mr. SLAYDEN. Mr. Chairman, the gentleman from Iowa [Mr. DOWELL] was so exceedingly anxious that no time be consumed in the consideration of this resolution, and being supported in his anxiety to get through to-day's work so that we might go to the consideration of the railroad bill, I desire to say that, if it is agreeable here, I am willing to take a vote now upon this measure. [Applause and cries of "Vote!"]

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. GILLETT. Would that facilitate the taking up of the railroad bill at all?

Mr. SLAYDEN. Oh, yes; I fancy it would, just as much as it would have facilitated it an hour ago when the gentleman began to filibuster.

Mr. GILLETT. Oh, no. If we had dispensed with business in order on Calendar Wednesday, then we could have taken that up.

Mr. SLAYDEN. Mr. Chairman, this is the first time I have ever known so experienced and clever a man as the gentleman from Massachusetts to discuss a dead and gone issue. Calendar Wednesday has not been dispensed with.

Mr. GILLETT. To finish this bill would simply be to bring up another bill that is in order on Calendar Wednesday?

Mr. SLAYDEN. Yes.

Mr. GILLETT. We could not take up the railroad bill.

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer.

Mr. SLAYDEN. Because the gentleman from Wisconsin [Mr. STAFFORD] is in the way, and we all know what a help he is to hasty legislation. [Laughter.]

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin desires to offer a preferential motion.

Mr. STAFFORD. I desire recognition to offer an amendment.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise and report the resolution with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer. I rise to a question of order.

Mr. SLAYDEN. I move the previous question on my motion.

The CHAIRMAN. The gentleman can not move the previous question in the Committee of the Whole.

Mr. STAFFORD. Mr. Chairman, I demand recognition to offer an amendment to the resolution.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. BUTLER. Mr. Chairman, what has become of the motion of the gentleman from Texas [Mr. SLAYDEN]?

The CHAIRMAN. The gentleman from Wisconsin claims to have a preferential motion, and the Chair is trying to determine whether it is preferential.

Mr. BUTLER. I merely wanted to suggest to the Chair that the motion to rise is a preferential motion.

The CHAIRMAN. The Chair can not tell until he knows what the gentleman from Wisconsin is offering. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 7, after the words "United States," strike out all of the remainder of the paragraph down to the proviso and insert "on one of the public reservations generally known as small-park areas, and which is entirely surrounded by streets in the city of Washington, D. C., to be selected by the officer in charge of public buildings and grounds and the Commission of Fine Arts."

The CHAIRMAN. The Chair is prepared to rule, but will hear the gentleman from Wisconsin, if he desires to be heard, as to his motion being a preferential motion.

Mr. STAFFORD. Mr. Chairman, I have not at my finger's end the authorities, but I am quite certain that there are any number of precedents which hold that a motion that the committee do now rise and report a bill is not in order as long as any Member is claiming recognition to offer an amendment to perfect the bill that is being considered in Committee of the Whole. That has been the invariable rule for years in Committee of the Whole. I have never known it to be invaded at any time. Whenever a bill is being considered for amendment in Committee of the Whole a motion to rise and report the bill is not in order when Members are claiming recognition to offer an amendment. This is not a mere pro forma amendment, but is an amendment to the resolution that is in order, and accordingly I ask recognition for that purpose.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. STAFFORD. Yes.

Mr. SAUNDERS of Virginia. If that contention is well taken, how would you ever get out of Committee of the Whole, as long as there was some one who wanted to offer a motion to amend?

Mr. STAFFORD. Whenever a legitimate motion is made to amend the bill the person offering it is entitled to recognition. The rules of the House are predicated upon the idea that when a bill is referred to Committee of the Whole any germane amendment may be offered to the bill, and opportunity must be given to Members to offer that amendment. This amendment is germane, and I ask recognition on that ground.

Mr. SAUNDERS of Virginia. Every amendment that is in order from the parliamentary point of view is a legitimate amendment, so as long as you offered an amendment to a bill that was in order you could never get out of Committee of the Whole.

Mr. BUTLER. Mr. Chairman, I certainly understood that the Chair had already recognized the gentleman from Texas—

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kansas can not take the gentleman from Pennsylvania off his feet to make a parliamentary inquiry. The gentleman from Pennsylvania is in order.

Mr. LITTLE. I did not notice that the gentleman from Pennsylvania was on his feet. [Laughter.]

Mr. BUTLER. I guess I am not very large, but I am willing to wait until the gentleman from Kansas gets through. I understood that the Chair had recognized the gentleman from Texas to move that the committee should rise before the gentleman from Wisconsin had recognition to amend the resolution. If that is so, all the other amounts to nothing.

The CHAIRMAN. Does the gentleman from Kansas desire to submit a parliamentary inquiry?

Mr. LITTLE. My inquiry was whether this bill has been read or not.

The CHAIRMAN. It has been read.

Mr. LITTLE. It has been read in the Committee of the Whole House on the state of the Union?

The CHAIRMAN. Yes. The Chair is ready to rule. There is one fundamental rule that underlies nearly all parliamentary law, and that is that the committee should have the right to dispose of matters most expeditiously. The committee is denied no right by giving preference to the motion of the gentleman from Texas, because if the committee desires to amend the bill rather than report it in its present form, it can do that by denying the motion of the gentleman from Texas. The Chair holds that the motion of the gentleman from Texas is in order, and puts the question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. SLAYDEN and Mr. STAFFORD] reported that there were—ayes 132, noes 43. So the motion to rise was agreed to.

Mr. GRIEST. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIEST. Is it in order to ask for permission to extend remarks at this time?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks upon this resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBBINS. Mr. Chairman, as debate has been shut off I ask permission to extend my remarks on this same resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I ask permission to extend my remarks upon this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I ask that privilege for the gentleman from Ohio [Mr. SHERWOOD], who is not present and who desires to extend his remarks.

Mr. WALSH. I object to that, Mr. Chairman.

Mr. GORDON. Mr. Chairman, I ask leave to extend my remarks on this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. WALSH. I thought the gentleman from Texas asked for general permission to extend remarks.

Mr. SLAYDEN. No; I asked for the gentleman from Ohio [Mr. SHERWOOD].

The committee rose; and the Speaker having resumed the chair, the Chairman [Mr. SHERLEY] reported that the committee having had under consideration House joint resolution 70,



had directed him to report the same to the House with the recommendation that it do pass.

Mr. SLAYDEN. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading.

The question was taken, and the Speaker announced that the ayes had it.

Mr. WALSH. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 143, noes 44.

Mr. MADDEN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirteen Members are present, not a quorum.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. There are six vacancies in the House, do they count—

The SPEAKER. But there are only 213 Members here, and you could not count a quorum if you counted the whole crowd that is missing or out. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken, and there were—yeas 217, nays, 119, answered "present" 4, not voting 88, as follows:

## YEAS—217.

Alexander	Drane	Lee, Ga.	Saunders, Va.
Almon	Dupré	Lesber	Schall
Ashbrook	Eagan	Lever	Scott, Pa.
Aswell	Edmonds	Linthicum	Sears
Bacharach	Evans	Littlepage	Sells
Bankhead	Fess	London	Shackleford
Barkley	Fisher	Loneragan	Shallenberger
Barnhart	Flood	Lunn	Sherley
Bel	Foster	McAndrews	Sherwood
Beshlin	Francis	McClintic	Shouse
Black	Fuller, Ill.	McFadden	Siegel
Blanton	Gallagher	McKeown	Sims
Borland	Gallivan	McKinley	Sisson
Brand	Gard	McLemore	Slayden
Brodbeck	Garner	Mansfield	Small
Browning	Garrett, Tenn.	Martin	Smith, C. B.
Brumbaugh	Garrett, Tex.	Mason	Smith, T. F.
Buchanan	Glass	Mays	Snook
Burnett	Goodwin, Ark.	Montague	Steagal
Butler	Gordon	Moon	Steele
Byrnes, S. C.	Griest	Moore, Pa.	Stephens, Miss.
Byrns, Tenn.	Hamill	Morin	Stephens, Nebr.
Caldwell	Hamlin	Mudd	Sterling, Ill.
Campbell, Pa.	Hardy	Neely	Sterling, Pa.
Cannon	Harrison, Miss.	Nelson	Strong
Cantrill	Harrison, Va.	Nolan	Swift
Caraway	Hastings	Norton	Tague
Carew	Hayden	Oldfield	Talbot
Carlin	Hayes	Oliver, N. Y.	Taylor, Ark.
Carter, Okla.	Heaton	Olney	Taylor, Colo.
Church	Heflin	Osborne	Thomas
Clark, Fla.	Helm	O'Shaunessy	Thompson
Clark, Pa.	Helvering	Overmyer	Tillman
Claypool	Hensley	Overstreet	Van Dyke
Collier	Hicks	Padgett	Venable
Connally, Tex.	Hilliard	Park	Vinson
Connely, Kans.	Houston	Parker, N. J.	Walton
Copley	Huddleston	Peters	Watkins
Cox	Hull, Tenn.	Polk	Watson, Va.
Crago	Humphreys	Pou	Weaver
Crisp	Hutchinson	Price	Webb
Crosser	Igoe	Quin	Welling
Dale, N. Y.	Jacoway	Raker	Welty
Darrow	Johnson, Ky.	Randall	Whaley
Davis	Jones, Va.	Rayburn	White, Ohio
Decker	Keating	Robbins	Wilson, La.
Dent	Kennedy, R. I.	Robinson	Wilson, Tex.
Denton	Key, Ohio	Romjue	Wingo
Dewalt	Kiess, Pa.	Rose	Wise
Dickinson	Kinchelee	Rouse	Wright
Dill	Kitchin	Rowe	Young, Tex.
Dixon	Kreider	Rubey	Zihlman
Dominick	Larsen	Rucker	
Doolittle	Lazaro	Russell	
Doughton	Lea, Cal.	Sabath	

## NAYS—119.

Anderson	Denison	Green, Iowa	Lufkin
Anthony	Dillon	Hadley	Lundeen
Austin	Dowell	Hamilton, Mich.	McArthur
Baer	Elliott	Haugen	McKenzie
Bland	Ellsworth	Hawley	McLaughlin, Mich.
Bowers	Elston	Hersey	Madden
Browne	Esch	Ireland	Mapes
Burroughs	Fairchild, B. L.	James	Meeker
Campbell, Kans.	Fairfield	Jaul	Merritt
Carter, Mass.	Farr	Kearns	Moore, Ind.
Cary	Focht	Kennedy, Iowa	Morgan
Chandler, Okla.	Fordney	King	Nichols, Mich.
Classon	Foss	Kinkaid	Paige
Cooper, Ohio	Frear	Knutson	Parker, N. Y.
Cooper, W. Va.	Freeman	Kraus	Platt
Cooper, Wis.	French	La Follette	Powers
Cramton	Gillett	Leibach	Pratt
Currie, Mich.	Glynn	Lenroot	Purnell
Dale, Vt.	Good	Little	Ramsey
Davidson	Gould	Lobeck	Ramseyer
Dempsey	Graham, Ill.	Longworth	Rankin

Reavis  
Reed  
Rogers  
Sanders, Ind.  
Sanders, N. Y.  
Sanford  
Scott, Mich.  
Sinnott  
Sloan

Smith, Idaho  
Smith, Mich.  
Snell  
Snyder  
Stafford  
Steenerson  
Stiness  
Sweet  
Temple

Tilson  
Timberlake  
Townner  
Vestal  
Voigt  
Volstead  
Waldow  
Walsh  
Wason

Wheeler  
White, Me.  
Williams  
Wilson, Ill.  
Wood, Ind.  
Woods, Iowa  
Woodward  
Young, N. Dak.

## ANSWERED "PRESENT"—4.

Graham, Pa. Gray, N. J. Langley Treadway

## NOT VOTING—88.

Ayres	Ferris	Johnson, Wash.	Ragsdale
Beakes	Fields	Jones, Tex.	Rainey
Blackmon	Flynn	Kahn	Riordan
Booher	Fuller, Mass.	Kehoe	Roberts
Britten	Gandy	Kelley, Mich.	Rodenberg
Candler, Miss.	Garland	Kelly, Pa.	Rowland
Capstick	Godwin, N. C.	Kettner	Sanders, La.
Chandler, N. Y.	Goodall	LaGuardia	Scott, Iowa
Coady	Gray, Ala.	McCormick	Scully
Costello	Greene, Mass.	McClough	Slemp
Curry, Cal.	Greene, Vt.	McLaughlin, Pa.	Stedman
Dallinger	Gregg	Magee	Stevenson
Dies	Hamilton, N. Y.	Maher	Sullivan
Dooling	Haskell	Mann	Summers
Doremus	Heintz	Miller, Minn.	Switzer
Drukner	Holland	Miller, Wash.	Templeton
Dunn	Hollingsworth	Mondell	Tinkham
Dyer	Hood	Mott	Vare
Eagle	Howard	Nicholls, S. C.	Walker
Emerson	Hull, Iowa	Oliver, Ala.	Ward
Estopinal	Husted	Phelan	Watson, Pa.
Fairchild, G. W.	Johnson, S. Dak.	Porter	Winslow

So the joint resolution was ordered to be engrossed and read a third time.

The Clerk announced the following additional pairs:

On this vote:

Mr. ESTOPINAL (for) with Mr. EMERSON (against).

Mr. BOOHER (for) with Mr. TREADWAY (against).

Mr. STEVENSON (for) with Mr. GREENE of Vermont (against).

Mr. HOLLAND (for) with Mr. FULLER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. MAGEE (against).

Mr. WATSON of Pennsylvania (for) with Mr. JOHNSON of Washington (against).

Until further notice:

Mr. SCULLY with Mr. LANGLEY.

Mr. AYERS with Mr. KELLEY of Michigan.

Mr. FERRIS with Mr. SLEMP.

Mr. KEHOE with Mr. COSTELLO.

Mr. RIORDAN with Mr. DALLINGER.

Mr. DOREMUS with Mr. DUNN.

Mr. FIELDS with Mr. GOODALL.

Mr. GANDY with Mr. GREENE of Massachusetts.

Mr. KELLY of Pennsylvania with Mr. HAMILTON of New York.

Mr. PHELAN with Mr. WARD.

Mr. RAINEY with Mr. KAHN.

Mr. EAGLE with Mr. SCOTT of Iowa.

Mr. TREADWAY. Mr. Speaker, I voted "nay." I desire to withdraw the vote and answer "present," as I am paired with the gentleman from Missouri [Mr. BOOHER].

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will read the resolution the third time.

Mr. MADDEN. Mr. Speaker, I demand the reading of the engrossed resolution.

The SPEAKER. The engrossed resolution is not here.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to address the House for three minutes touching the ruling made by me in the chair a few minutes ago.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes on a ruling which he made. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I would like to inquire what effect the granting of this unanimous consent would have upon the status of the bill?

The SPEAKER. It has none whatever. There is no engrossed copy of the bill here, and you can not vote on it unless there is.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. I wish to make a motion to recommit.

The SPEAKER. The gentleman can not make a motion to recommit until we have a third reading of the bill.

Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, I feel that I should make a statement to the House in view of the ruling I made as Chairman of the Committee of the Whole. The

gentleman from Texas [Mr. SLAYDEN] made a motion upon the reading of the joint resolution, which was a resolution of one paragraph, that the committee rise and report the bill with a favorable recommendation. The gentleman from Wisconsin [Mr. STAFFORD] offered what he claimed was a preferential motion, namely, a motion to amend. The Chair asked the gentleman from Wisconsin for authority, and he stated that he was sure of his position, but at the moment was unable to cite the Chair to an authority. The parliamentary clerk at the desk confirmed an impression that the Chair had that a motion to rise and report the bill favorably, under the circumstances stated, was a motion in order as against a subsequent motion to amend, and the Chair so held.

Immediately after coming out of the chair I took occasion to examine the precedents, and I find that there are any number of precedents holding directly to the contrary. The Chair was wrong in his ruling. There is a decision by no less a Speaker than Speaker Carlisle, and a number of decisions by Chairmen of Committees of the Whole, holding that a motion to amend is a preferential motion. There is no rule now that directly bears upon it, although there was an old rule; but it is held that inasmuch as the committee is created for the purpose of considering a bill for amendment that the opportunity to offer such amendment should be given. What misled me in making my ruling was the belief that a committee ought to have the right to dispose of a matter in the most expeditious way, and that, if it did not desire to amend, it could show that by voting a motion to rise and report favorably. If it did want to amend, it could simply vote down such a motion. I stated as Chairman of the committee the reason for such ruling. The amendment of the gentleman from Wisconsin [Mr. STAFFORD] had been read, so that the Committee of the Whole was thoroughly advised as to the issue, and did, in point of fact, by its vote express an opinion. But I felt, in view of the ruling that has been made, that I owed it to the House to make a statement as to my error.

Mr. STAFFORD. The gentleman can see the unworkable position the House would be put into if the ruling made by the gentleman should be adhered to. In the case of bills in the Committee of the Whole House on the state of the Union having more than one paragraph or section, it would be the privilege of Members to offer an amendment to every section except the last, and then the committee having the bill in charge would be privileged to move to rise and report the bill and not give opportunity to the House to offer an amendment to the last section.

Mr. SHERLEY. I do not quite agree with the gentleman's reasoning, but the precedents are all against me, and I wanted to tell the House so. [Applause.]

Mr. LITTLE. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. LITTLE. Did the gentleman in his researches discover any method by which such error could be corrected?

Mr. SHERLEY. There are always remedies by which errors can be corrected if the House desires to do so.

Mr. LITTLE. Will the gentleman tell me how we can remedy this proposition?

Mr. SHERLEY. The House, if it desired to do so, could by unanimous consent vacate an order or it could do so on a motion to reconsider. It is only fair to state, as I have already said, that the ruling did not, in my judgment, prejudice anyone, because the amendment of the gentleman from Wisconsin was read to the committee, and the Chair expressly stated that if they wanted to consider that amendment they could simply vote down the other motion. So the committee expressed its view just as clearly as if the Chair had ruled right.

Mr. LITTLE. The gentleman suggests unanimous consent as the only remedy. I ask unanimous consent to return to the place in the bill which we had before the ruling was made.

Mr. McARTHUR. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. WALSH. Mr. Speaker, the regular order.

The SPEAKER. The regular order is that the Clerk will report the next bill from the Committee on the Library.

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. In respect to this bill for which demand was made for an engrossed copy, when will we vote on that?

The SPEAKER. We will vote on it to-morrow morning.

Mr. SAUNDERS of Virginia. The first thing to-morrow morning, after the other business is disposed of?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker, I desire to propound a parliamentary inquiry in connection with the reply of the Speaker to

the inquiry propounded by the gentleman from Virginia [Mr. SAUNDERS]. Do I understand the Speaker to hold that if the House should adjourn to-day before the engrossed copy of the resolution is received by the Clerk the vote would come on the resolution to-morrow morning as a matter of course, and that a motion to recommit, or any other motion which would be in order, would be deferred until that time?

The SPEAKER. You can not make a motion to recommit until after the third reading, and you can not have the third reading unless you can get the engrossed copy of the resolution. Two Speakers of the House, at least—Speaker CANNON and myself—have decided heretofore that when the previous question is ordered on a bill on Calendar Wednesday the vote shall be taken Thursday morning. I think Speaker CANNON never decided it but once, and everybody took it for granted that he was right, and I have decided it two or three times for some reason or other.

Mr. WALSH. But, Mr. Speaker, the previous question now has only been ordered on the third reading.

The SPEAKER. The previous question has been ordered on the resolution and everything else.

Mr. SAUNDERS of Virginia. And the resolution is now up to the point of passage.

Mr. HARDY. Mr. Speaker, I wish to ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. The Chair wants to make one remark that ought to be made. If they get that engrossed copy of the resolution in here this evening and everybody wants to vote on it, it can be voted on to-day. If they do not get it in here to-day, it will be voted on to-morrow.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. If the engrossed copy of the resolution should be brought in here at any time before adjournment, I can ask that it be voted on then?

The SPEAKER. That is exactly what the Chair stated. When the engrossed copy is ready, the Chair will recognize the gentleman from Michigan [Mr. McLAUGHLIN] to make the motion to recommit.

Mr. LENROQT. Mr. Speaker, I take it for granted that the Chair, in announcing what the decision would be, meant it will still be subject to a point of order and that the point of order can be argued to the Chair when the time arrives?

The SPEAKER. Yes; of course. I am always willing to hear argument.

The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD—about what?

Mr. HARDY. This resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I submit a request for unanimous consent to extend my remarks on this resolution by printing a table which I have had compiled in response to questions asked by the gentleman from Massachusetts [Mr. WALSH] the other day. It is a table which I think will be interesting.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on this resolution that we just had up. Is there objection?

There was no objection.

Mr. WATSON of Virginia. Mr. Speaker, I ask permission to extend my remarks in the RECORD on this resolution.

Mr. STEELE. Mr. Speaker, I make the same request.

Mr. DEWALT. And I make the same request, Mr. Speaker.

The SPEAKER. One gentleman from Virginia [Mr. WATSON] and two gentlemen from Pennsylvania [Mr. STEELE and Mr. DEWALT] ask unanimous consent to extend their remarks in the RECORD on this resolution. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. MASON. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on the alien-slacker bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the alien-slacker bill. Is there objection?

Mr. SHOUSE. I object.

The SPEAKER. The gentleman from Kansas objects.

#### CALENDAR WEDNESDAY.

The SPEAKER. Has the gentleman from Texas [Mr. SLAYDEN] any business from his committee?

Mr. SLAYDEN. There are two other bills on the calendar, but I am told by the Clerk that they have not been there long enough to be called up.

The SPEAKER. The Clerk will call the list of committees.

The Clerk proceeded with the call of committees.



## LONGEVITY PAY, ARMY AND NAVY OFFICERS.

Mr. WEBB (when the Committee on the Judiciary was called). Mr. Speaker, as chairman of the Committee on the Judiciary, I desire to call up the bill H. R. 1691, known as the bill to confer jurisdiction on the Court of Claims to hear and try certain longevity claims.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 1691) to confer jurisdiction on the Court of Claims.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Kentucky [Mr. JOHNSON] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1691, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States *v. Morton*, volume 112, United States Reports, page 1; and United States *v. Watson*, volume 130, United States Reports, page 80; and of the Court of Claims in *Stewart v. United States*, volume 34, Court of Claims Reports, page 553.

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Mr. WEBB. Mr. Chairman, the purpose of this bill is to give the Court of Claims jurisdiction over claims of certain officers for longevity pay, which claims were denied by the Comptroller of the Treasury in the years between 1890 and 1908. All longevity claims for pay prior to that time have been paid. All longevity claims for pay after 1908 have been paid. The Supreme Court has ruled that they ought to be paid; that the attendance of those officers at the Military and Naval Academies was part of their service and, as part of their service, they are entitled to be paid for same. Under the rulings of the comptroller for the period between 1890 and 1908 those claims have been denied entirely, and the purpose of this bill is to allow officers whose claims were denied during 1890 to 1908 to file their claims and receive their pay under the law as construed by the Supreme Court of the United States.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. WEBB. I yield 15 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask the attention of the members of the committee to this bill for two reasons—first, because of its own importance, and, second, for a reason that is perhaps personal in large degree to myself.

One of the first bills that it was my privilege to speak for and advocate in this House was a bill offered in the Congress in 1914, which appealed to my sentiment and spirit of patriotism when I discovered it in our Judiciary Committee unacted upon. It was a bill to repeal section 3480 of the Revised Statutes. By virtue of that section, passed immediately at the close of the Civil War, the soldiers of the Confederacy who had been soldiers or commissioned officers of the United States prior to the Civil War were expressly debarred from presenting their longevity claims and having the same paid. At that time, as you may recall, there was extant in our country a spirit of harmony and a desire for a greater unity. Grand Army posts in the North were surrendering flags to Confederate posts in the South, and likewise in the South recognitions of courtesy were extended to posts in the North. The reunion on the battle field of Gettysburg had taken place, where old veterans who had stood in battle array against one another met and greeted and rejoiced in a restored union. The dedication of the Arlington monument had just taken place. I made an appeal to this House for the passage of that bill, which repealed the law that debarred relatives of Lee, Jackson, and other great men who had figured in the Confederate Army from getting the pay that was due under the laws of the United States prior to the beginning of that war. I am happy to say that on that occasion—some of you may recall it—the repeal of that section of the Revised Statutes was unanimously approved by this House.

But I discovered that in the administration of the law with reference to longevity claims there was a period, as the chairman of our committee has explained, from 1890 to 1908, in which the claims of those men who had served in the Union Army had either been presented and rejected, or certainly none of them had been passed, creating a situation of inequality and injustice that, in my opinion, ought to be remedied. This difficulty arose out of a difference of opinion of certain auditors. The Supreme Court of the United States having decided that this claim for extra compensation covered the period of service in the academy, one of the comptrollers made up his mind that he would disregard the decision of the Supreme Court, and he refused for a long period to permit any of these claims to be presented and paid. Another comptroller came in, and he said that the opinion of the Supreme Court was binding upon him, and that he would recognize these claims, but, mark you, with this distinction, that all the claims that had been presented either to the Court of Claims or to the previous comptroller would not be considered by him, because, as he said, they were res judicata, they had been determined, they were settled, and thus this injustice was wrought to the men who had been alert to prove their claims but had been met by the stubborn opposition of the comptroller who was then in power.

Since then I have, with the greatest possible earnestness, attempted to have passed through our committee and by this House a bill to remedy this egregious wrong and give to those Union soldiers what we agreed by the repeal of that statute to give to the men who had gone into the Confederate service; in other words, to relieve these Union soldiers from the bar which had been unrighteously put up against them, and have their claims paid just the same as the claims of Grant and of Lee and the others, whose claims have been presented and honored and settled, amounting on the Union side to about \$1,000,000 and on the Confederate side, I think, to about \$150,000. There are still outstanding and unpaid claims which are righteously due to these generals and soldiers and officers of about \$500,000, and there is nothing that this Nation can do that will be such an act of justice as to order and direct that these men or their descendants shall now have equity and proper treatment, even at this late day.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. WALSH. Does the gentleman contend that this will cost the Government only approximately a half million dollars?

Mr. GRAHAM of Pennsylvania. I do. That is the report.

Mr. WALSH. And that this is to be paid only to those officers and soldiers who are living?

Mr. GRAHAM of Pennsylvania. Oh, no; it goes to their heirs, the same as the others did. In the other case I received letters from Mrs. "Stonewall" Jackson and a number of the other women of the South whose claims were honored and paid. They were the relatives of the deceased soldiers. So in this case the relatives of the deceased soldiers who have thus been barred out will be honored and recognized, and I earnestly ask this committee to pass upon and approve this bill.

Mr. McKENZIE. If the gentleman has any further time, I would like to ask him to explain a little bit more in detail just where the hardship comes in from which these people suffer. I do not just get it.

Mr. GRAHAM of Pennsylvania. In the report of the committee which I made on the bill that was up in the last Congress, and which through the crush of business failed to pass at that time, I appended a list of all the Union officers who were paid and a list of all the officers who were in the Confederate service who have been paid. Now, those men have been paid. These others are equally entitled to be paid, but owing to certain circumstances their claims were debarred. Now let me give you briefly a résumé of the circumstances.

First, by a decision of the Supreme Court of the United States officers in the United States Army were allowed credit, in computing their longevity pay, for services as cadets at the Military Academy. That is the basis of all these claims.

Owing to the fact that the Court of Claims had jurisdiction only of cases where the right of action had arisen within six years from the time of bringing the suit, that court was closed so far as having jurisdiction to render relief. That avenue was not open to these people who wanted to collect their longevity pay under the decision of the Supreme Court of the United States, because of the statute of limitations; but the jurisdiction of the accounting officers in the Treasury was not barred by the statute of limitations. Everyone had a right to present his claim there. Now, the men who were vigilant, who did not sleep upon their rights, presented their claims to the accounting officer in the Treasury; but that gentleman, a man from my own State, I am sorry to say, ruled that he would not follow the decision of the Supreme Court, and for a long time he refused to

recognize any of those claims. Another comptroller comes in and says, "I am bound by the decision of the United States Supreme Court, and I will recognize these claims," and the claims were presented to him, passed, and paid, all except those which had been presented to the prior comptroller, who said they were barred because they were res judicata. For that reason they were barred out. The new comptroller would not review the decision of his predecessor.

Now, if all of the others had a right to be paid, and if all the others were paid, then surely the obstinacy of this controlling officer ought not to keep these people whom he barred out from getting their pay.

Mr. McKENZIE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. McKENZIE. If the gentleman will pardon me, as I understand it, the longevity pay is fixed by law in the Army, and the fact that a man did not make application does not seem to me would affect his rights at all.

Mr. GRAHAM of Pennsylvania. It does not.

Mr. McKENZIE. Did this comptroller, in rendering this decision, overstep the law of the land, or did he construe the law on the statute books which you are now trying to repeal?

Mr. GRAHAM of Pennsylvania. I am not trying to repeal anything.

Mr. McKENZIE. Well, to extend the law.

Mr. GRAHAM of Pennsylvania. No; I am providing for the payment of claims unjustly barred out.

Mr. MADDEN. The gentleman is trying to remedy a case where the vigilance of the claimant counted against him.

Mr. GRAHAM of Pennsylvania. Yes; instead of in his favor. There was a dispute, a debatable ground, as to whether the period that a man served in the Military Academy was to be counted as service to the United States in computing longevity pay. We all recognize that the highest tribunal to settle that question is the Supreme Court of the United States. In the case of Morton against the United States the Court of Claims held that the term "actual time of service in the Army" as used in the act of 1881 covered time spent as a cadet at the Military Academy.

This was appealed to the Supreme Court, which affirmed this decision on October 27, 1884 (United States v. Morton, 112 U. S. 1). The Supreme Court said:

"From this review of the statutes it can not be doubted that before the passage of the act of July 28, 1866, as well as afterwards, the Corps of Cadets of the Military Academy was a part of the Army of the United States, and a person serving as a cadet was serving in the Army, and that the time during which the plaintiff in the present case was serving as a cadet was actual time of service by him in the Army."

When that decision was rendered, then came the effort to collect the longevity pay, but they were met by Comptroller Gilkeson, who said, "I will not audit any of these claims," and that stood under him and his successors from 1896 to 1908. That was the attitude.

Now, the new comptroller comes in and he permits all the claims presented to him to be passed and paid, except those which were presented to Mr. Gilkeson and his successors between 1896 and 1908, and which he said he would not hear or consider, because they had been adjudicated against these people. The iniquity and unrighteousness of that decision must be apparent to any one of us.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. I yield to the gentleman from Pennsylvania five minutes more.

Mr. NORTON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. NORTON. The legislation in this bill will affect chiefly those who have served in the United States Military Academy. There are a few cases outside.

Mr. GRAHAM of Pennsylvania. I know of none outside those passing through the Military Academy.

Mr. NORTON. It does not affect the case of Union soldiers, because they have been provided for.

Mr. GRAHAM of Pennsylvania. It affects Union soldiers and no others. They were the only ones that could offer a claim under Mr. Gilkeson. The statute of 1866, which forbade the comptroller to consider any Confederate claim, was a bar to their claims being considered, but in 1914, as I recall, the House of Representatives passed a bill, in which the Senate concurred, repealing that section of the Revised Statutes which stood in the way of a Confederate officer being paid. They have been paid, and the only ones left out are the victims of that unfortunate decision of the comptroller in this period between 1896 and 1908.

Mr. FIELDS. In other words, if the claims filed with Mr. Gilkeson had been deferred until the administration of his successor, they would have been paid?

Mr. GRAHAM of Pennsylvania. Exactly.

Mr. FIELDS. And there would have been no necessity for any legislation.

Mr. GRAHAM of Pennsylvania. That is true.

Mr. FIELDS. Similar claims filed under his successor were recognized and paid.

Mr. GRAHAM of Pennsylvania. Yes; Comptroller Butler afterwards allowed the claims brought before him, passed upon them, and paid them, and among those that were paid were those of Grant, Rosecrans, and Kilpatrick.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BORLAND. The function of the Court of Claims is to make a finding of facts and report to Congress. It has no function in this class of cases to enter judgment, but the purpose of this bill is to enable the Court of Claims to enter judgment. Heretofore the Court of Claims has reported on findings of fact, and we have had an opportunity to act on the report adversely.

Mr. GRAHAM of Pennsylvania. Do I understand the gentleman to say that there has been any adverse action on these claims, except by the comptroller?

Mr. BORLAND. The gentleman's report shows that this is the twenty-first time that this has been before Congress.

Mr. GRAHAM of Pennsylvania. But not one instance when it was adversely reported on.

Mr. BORLAND. It has been stricken out of the general claims bill three times since I have been a Member of Congress.

Mr. GRAHAM of Pennsylvania. I can not say about that, but when there has been a specific consideration of it it has never been reported against. I can not understand the mental operation or the attitude of anyone who would hesitate to vote for the payment of the claims of these Union soldiers—claims to which they are entitled.

Mr. BORLAND. It is not a question of the Union soldier, it applies to the graduate of West Point, and he may be a Union soldier or may not. It does not apply to Union soldiers, a great many of whom are volunteers.

Mr. GRAHAM of Pennsylvania. I want to correct the gentleman's misapprehension of the fact. The men who graduated from the Military Academy at West Point are the people who are affected by the decision of the Supreme Court. Some of them drifted into the Confederacy. Then came the bar of the statute forbidding them to be paid, because of their relations to the Confederacy. I came in here with a bill, and brought it to the attention of the House, using every energy in my power to lift that bar in the interest of that union between the North and the South that my friend, sitting in front of me, ex-Speaker CANNON so beautifully referred to the other day. This House unanimously agreed to remove that bar, and now I find that through the action of the comptroller a certain number of men have not been paid who are entitled to be paid, and I am bending every energy that I have to correct an act of injustice and to make equal the claims between men, whether they went into the Confederacy or into the Union Army. [Applause.]

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DENISON. Will the gentleman inform the House of the reason why this comptroller took that position, whether it was purely arbitrary on his part or did he have any precedent?

Mr. GRAHAM of Pennsylvania. He had no precedent. It was a purely arbitrary action.

Mr. ROBBINS. How many comptrollers followed the ruling of Comptroller Gilkeson? He was not the comptroller during all of that time, was he?

Mr. GRAHAM of Pennsylvania. I can not answer that question. I can simply say that down until the time that Comptroller Butler came into office that was the ruling.

Mr. ROBBINS. Mr. Mitchell seems to have been the first one. Mr. GRAHAM of Pennsylvania. No; the first was Mr. Gilkeson.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. KEATING. Mr. Chairman, I ask that the gentleman be given three minutes more.

Mr. WEBB. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. ROBBINS. What proportion of soldiers North and South that graduated at West Point will be recompensed under this bill?

Mr. GRAHAM of Pennsylvania. Under this bill no one except those who were in the Union Army. The other bill covers those who had gone into the Confederacy, and they have all presented their claims and have been paid. This covers the unfortunate men whose claims were presented when this ruling of the comptroller was in force, and they were barred out by it, and when the next comptroller came in and recognized these claims he said that he would not go behind this date; that those others



he considered adjudicated and therefore barred out. He would not take them up.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KEATING. The gentleman has constantly referred to the Union officers who are affected. Do I understand that only Federal officers in the United States Army who served in the Civil War on the Federal side are affected by this legislation?

Mr. GRAHAM of Pennsylvania. They are the only ones that are now affected. Those who served in the Confederate Army have been relieved by the other legislation.

Mr. KEATING. Do I understand the gentleman to say that no man who did not serve in the Union Army during the Civil War will benefit from this legislation?

Mr. GRAHAM of Pennsylvania. That is my understanding of the facts of this case.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. Some of these officers could not have been in the Union Army, since their graduation dates back to 1811 and 1812. I was wondering what bearing that would have upon the gentleman's statement.

Mr. GRAHAM of Pennsylvania. There are no claims that date back that far that I know of.

Mr. MOORE of Pennsylvania. The third claim on page 6—that of John J. Abert—is of a man who graduated from the Military Academy in 1811. I find quite a number throughout the list. They could not have served in the Union Army.

Mr. GRAHAM of Pennsylvania. Why not?

Mr. MOORE of Pennsylvania. Because they were probably dead.

Mr. GRAHAM of Pennsylvania. From 1842 to 1861?

Mr. MOORE of Pennsylvania. Here is a man who graduated in 1811. He certainly could not have fought in the Union Army?

Mr. GRAHAM of Pennsylvania. He may have been in the Army at that time or on the retired list. However, he was entitled to his longevity pay, and he got it. The list you are reading from is the list of paid claims.

Mr. MOORE of Pennsylvania. The gentleman was drawing a distinction as between the Union and the Confederate Armies, and I think properly so; but it was pertinent to ask how that would apply to an officer of the United States graduated from West Point in 1811 or 1812.

Mr. GRAHAM of Pennsylvania. I refer to that solely by way of explaining my own personal interest in this bill, and that, having been instrumental in removing the bar against those who went into the Confederate Army, I felt it was my duty to take an active part in trying to prevent a wrong which prevents other graduates entitled to longevity pay from being paid.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FIELDS. I think the gentleman in his answer to the gentleman from Colorado [Mr. KEATING] probably gave a wrong impression to some, who feel that this legislation is for the benefit of Union soldiers only. As I understand it, the legislation does not confine itself to Union soldiers alone; but the only ones who happen to be in this unfortunate condition at this time were Union soldiers.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield again?

Mr. GRAHAM of Pennsylvania. Yes, if I have any further time.

Mr. McKENZIE. The gentleman has gone into this thing very carefully. Is he prepared to say now, in his judgment as a lawyer, that the comptroller who ruled against these claims, ruled against the law, and the men who ruled in favor of them sustained the law?

Mr. GRAHAM of Pennsylvania. Undoubtedly; because the Supreme Court's decision was in favor of these claims.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. WEBB. Does the gentleman desire any more time?

Mr. GRAHAM of Pennsylvania. I would like to clear up any doubt that exists in the mind of anyone.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. I have just glanced at the bill, and find the following language on page 2:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved

July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, the question in my mind is, the gentleman says it applies to officers. It seems to apply to enlisted men.

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. And certainly goes back to 1838, and God knows how many of these claims on the half and half or quarter to the claimant if successful and three-quarters to the attorney are to be opened up for agents by the accounting officers of the Treasury. It seems to me, being somewhat familiar from ancient recollections with the activity of the Washington claim agent, that it is possibly a bill for the relief of the claim agent.

Mr. GRAHAM of Pennsylvania. Well, if the gentleman says that—

Mr. CANNON. I say possibly.

Mr. GRAHAM of Pennsylvania (continuing). The gentleman ought to have some knowledge upon the subject, because I have introduced this bill myself into this House, and I challenge him to make any such insinuation as that with relation to myself. I would not stand it from anyone.

Mr. CANNON. Oh, the gentleman ought not to get out of temper—

Mr. GRAHAM of Pennsylvania. My reason for introducing that bill was what I have told the Members of this House, that I have been instrumental, whether wisely or unwisely, in removing the bar against these men who had been in the academy who went into the service under the Confederate flag, and I felt it was simply rounding out an act of justice now to take up the cudgels of those who were the victims of an error and blunder in the administration of the Treasury Department of the United States.

Mr. CANNON. Will the gentleman allow me? Certainly, I had no intention of putting the gentleman out of temper nor do I impugn in any way his motives in any way, shape, or form. When he speaks of enlisted men and refers to the act of 1838, from my ignorance, without any reflection upon the gentleman, from my recollection of the activities of the claim agents in Washington, I merely asked for information, whether it is not probable or possible that they will get the most of whatever comes out of the Treasury, and how much is to come I do not know, and the gentleman does not seem to know.

Mr. GRAHAM of Pennsylvania. The gentleman seems to be groping in the dark.

Mr. CANNON. Very likely; but I would like to walk in the light.

Mr. GRAHAM of Pennsylvania. The gentleman has more acquaintance with the claim agents than I have and therefore speaks out of the fullness of that experience, but I wish to say this: When he speaks of the enlisted man he must remember that the effect of this decision, while longevity applies to enlisted men, would not affect enlisted men unless they were graduates of West Point. There is nothing in that, and the committee has reported what they have ascertained to be the possible total aggregate of payments here. And in view of the fact that we have paid one set of these graduates of the academy upward of a million dollars and another set upward of \$150,000, you have no right, morally or legally, to stop now and say you will not pay these men who are the victims of an improper decision.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. WALSH. I would like the gentleman to tell me how long a man who graduated from the Military Academy in 1880 served during the Civil War?

Mr. GRAHAM of Pennsylvania. I do not know.

Mr. WALSH. Well, the gentleman made the statement that this was to cover the services of men who served during the Civil War.

Mr. GRAHAM of Pennsylvania. Perhaps I may not have been clear enough in my expression to give clear color to what I had in mind. My thought is simply this, and the bill says so, that those who graduated from the academy are entitled to this longevity pay. Now, as a matter of sentiment, I referred to the fact that there were some of those who went into the Confederacy and therefore could not be paid on account of a certain section of the Revised Statutes. That has been repealed. Now, every graduate from the academy being entitled to longevity pay,

why should these unfortunates have the door shut in their faces—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that the gentleman's time may be extended two minutes in order that I may ask him a question.

Mr. WEBB. I yield the gentleman one minute additional.

Mr. BORLAND. I recall the gentleman stated, in regard to the question of the gentleman from Colorado, that the only persons affected by this were men who had served in the Civil War on the Union side and were graduates from the academy. I think possibly the gentleman may not have understood the question—

Mr. GRAHAM of Pennsylvania. Maybe so.

Mr. BORLAND (continuing). Because I notice in his own report he gives the list of men who graduated from the academy in 1867, 1871, and 1877, and other dates subsequent to the Civil War, and it is perfectly apparent it is confined to graduates of the academy, some of whom may possibly have served in the Civil War.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. BENJAMIN L. FAIRCHILD. In the interest of perfecting the gentleman's bill, I would like to direct his attention to line 6, page 1, of the bill, where the expression is used "Supreme Court of the United States." Should it not be "Supreme Court in the United States against Morton" and not "Supreme Court of the United States against Morton"?

Mr. GRAHAM of Pennsylvania. I have no objection at all to that being corrected.

Mr. BENJAMIN L. FAIRCHILD. I thought the gentleman would like to have it correct.

Mr. WEBB. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry before I begin.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. As I understand it, no one has been recognized for an hour in opposition to this bill.

The CHAIRMAN. No.

Mr. BORLAND. Well, may I not now ask for recognition in opposition to the bill in my own right?

Mr. WALSH. Is not a member of the committee entitled to that?

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. WALSH. I am.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. BORLAND. In that case I will only ask for five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. WALSH] if he is opposed to the bill.

Mr. WALSH. Yes. I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. I am much obliged, just the same.

Gentlemen, this bill ought not to pass, and I regret very much that the distinguished gentleman from Pennsylvania [Mr. GRAHAM] urges it with such vim. By the report it appears that this is the twenty-first attempt that has been made to get these longevity claims paid. I remember that they were before our Committee on Claims in this House repeatedly and without success. They were put on a claims bill in the Senate at one time, which occasioned the defeat of a large number of very meritorious claims because these claims were injected into that claims bill. And this House has universally been opposed to the payment of these claims.

Now, let us get down to exactly what this question is. This is not confined to the Civil War, and, goodness knows, it has nothing whatever to do with the enlisted man, although the act of 1838, which was referred to, of course does apply in some of its provisions to the enlisted man.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. BORLAND. Yes.

Mr. GREEN of Iowa. Some gentlemen, I think, including the gentleman now speaking, spoke of a list of those who were to be paid under this bill. I have been unable to find it.

Mr. BORLAND. It is in the back part of it. There is no list of those that are to be paid. It is a list of those who have been paid. No enlisted man has got a look-in on this bill. No Union officer has got a look-in on this bill who was a volunteer officer, and the great percentage of Union officers were, of course, volunteer officers. This is confined to a very narrow class, a few of whom may survive as officers. The number of surviving Union officers is very, very small at this time. But the men who will be benefited by this bill are men who have had a public education in the Military Academy of the United States,

whether they ever served a day in the war or not. They are the men to be benefited, and they are the narrow, prescribed, limited class that is to be benefited.

Now, what is it they ask? They ask that their longevity pay, which is supposed to be based on their service as officers of the United States, shall be dated back to cover the four years they were in the academy at Government expense.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. BORLAND. Yes, sir.

Mr. GRAHAM of Pennsylvania. Are you not mistaken when you say they ask to have their period of service dated back for four years to cover the academy, in view of the fact that the Supreme Court of the United States has decided it must be dated back, because when in the academy they were in the service of their country?

Mr. BORLAND. If they were not asking it, the bill would not be here, I take it. So evidently they are asking it. Somebody may have decided they are entitled to it under a technical construction of the law, but they are asking for it, and it is useless to deny that.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MADDEN. Does the gentleman think, in view of the fact that the claims of those who had left the service of their country, after being educated at West Point, and gone into the Confederacy have been adjudicated that those who stayed by the flag ought not to have their claims adjudicated?

Mr. BORLAND. I do not think that clearly explains the situation. My recollection is that the only bar Congress removed was the proof of loyalty, leaving the question of time of presentation the same in both cases. The fact about the matter is that this ruling seems to have extended over a period of 18 years, and I can not reconcile my idea but that the mistake was the ruling of a single Comptroller of the Treasury. There could not be anything in that.

Mr. RUSSELL. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. RUSSELL. Do I understand you to say that if this bill is passed it will apply to those who have graduated at the Military Academy after four years?

Mr. BORLAND. Yes.

Mr. RUSSELL. And that they will get their pay, although they may not have served in the Army afterwards?

Mr. BORLAND. The whole milk in the coconut is to give longevity pay to those who happened to be educated at public expense in the Military Academy and making their service begin when they entered the academy as cadets.

Mr. PLATT. The gentleman did not say that they could possibly get their pay if they went into the Military Academy and did not go into the Army.

Mr. BORLAND. I said that they may have never gone into war. The gentleman from Missouri [Mr. RUSSELL] asked me a question, which I have distinctly answered, and that is whether the longevity pay was intended to cover their service in the academy. The gentleman's question was clear.

Mr. FIELDS. Under all the decisions that have been rendered since the administration of Comptroller Gilkeson the West Point service has been computed, has it not? Is it not computed now?

Mr. BORLAND. I do not know whether it is or not. But it ought not to be.

Mr. FIELDS. If it has, without going into the question of whether it is right or not, if the officer whose longevity is computed to-day is getting credit for that, would it not be fair and just for those men who filed their claims within this period to have that discrimination in justice corrected? They were discriminated against as compared to the men who receive their longevity pay to-day.

Mr. BORLAND. I will say to the gentleman that it is the question that has been before the Committee on Claims of this House repeatedly, as to whether you ought to reach back to those men, and the Committee on Claims of the House were found against it, and our House agreed to that ruling. Now, some men are entitled to longevity pay. It is not necessary to go back into the distant past and allow these claims to be taken up and presented.

Mr. SAUNDERS of Virginia. May I ask a question? I want to get at the facts. Would the people to whom this bill relates, the beneficiaries under this bill, be entitled to the longevity pay but for the decisions of the comptroller?

Mr. BORLAND. I understand so.

Mr. SAUNDERS of Virginia. Do the decisions of the Supreme Court and the decisions of those comptrollers agree?



Mr. BORLAND. I do not know. I have not examined the decisions of the Supreme Court.

Mr. SAUNDERS of Virginia. That is a pretty vital point. If, under misapprehension of the law, comptrollers have rendered decisions that were erroneous in point of law and have been ascertained to be such by virtue of the decisions of the Supreme Court referred to by the gentleman from Pennsylvania [Mr. GRAHAM], ought we to allow that erroneous decision of the comptrollers to stand in the way of giving to people that to which they are entitled under the law of the land?

Mr. BORLAND. I am quite sure that if these people have any claim in law or equity against the United States they would not be here asking for the enactment of this bill. I think that is perfectly apparent. I do not know under what analogy they ask for it, or under what decision they refer to, but I am confident that if they had any remedy in law or equity they would pursue it.

Mr. SAUNDERS of Virginia. The reason why I asked that question is this, that the only reason why these people are asking for this legislation is that they are handicapped by an erroneous ruling of some antecedent comptroller which the present comptroller will not set aside.

Mr. BORLAND. I heard the gentleman from Pennsylvania [Mr. GRAHAM] make that statement, but I do not know the facts.

Mr. SAUNDERS of Virginia. It seems to me that is a vital question, whether that is so or not.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DENISON. Does the gentleman happen to know how many of these claims are now in the hands of the original claimants?

Mr. BORLAND. I have not the ghost of an idea as to how many of these claims are in the hands of the original claimants. There is no way of ascertaining even the gross amount of the claims.

Mr. DENISON. Is there any law now in force that governs the collection of these claims as to whether or not they can be assigned to other persons?

Mr. BORLAND. There is a law, of course, on the subject. The gentleman knows that the Court of Claims makes the findings of fact, which it submits to the Congress, but it has no power of rendering a judgment. It makes merely a finding of fact, as it ascertains the same to be in its judgment, and Congress has the complete power to approve that finding of fact if it sees fit. That course was pursued in this case and the finding of fact was made, and the Congress has refused to confirm that finding of fact by making the appropriation, and now it is proposed to give the Court of Claims the power to enter judgment against the United States, notwithstanding the fact that the claims have been pending in Congress for 10 years past.

These men have had a military education at the expense of the United States, costing \$20,000 in round numbers to each man, and they were paid to take it. The United States confers an education free, at a cost of \$20,000, to every man who is educated there. It seems to me it is a strange thing in time of war to come in here and ask that half a million dollars or a million dollars be paid to men who have already had that advantage.

The question to-day is, Why is West Point? When we need officers we have to go out and get volunteer officers. That is what happened to us in every war we have had. When we got this National Army we trained 43,000 officers in training camps in three months.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. I say we have trained 43,000 officers in training camps in three months. We took the bright young men from your district and from mine and sent them out there, and in three months' time they came out able to command this great army of democracy. And yet these men setting up these claims had four years of training, and some of them have never fired a gun in defense of the United States.

We are depending to-day upon 43,000 young Americans, who have had but three months' training in a training camp, to command our armies when we are facing the most desperate fight that our Government ever faced; and here is a lot of men who had four years' training at Government expense, and were paid to take it, asking for longevity pay. I venture the assertion that most of them never rendered any service to the Government.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PLATT. Those 43,000 officers that the gentleman refers to were trained chiefly by West Point graduates, were they not?

Mr. BORLAND. No; I do not say that they were chiefly trained by West Point graduates. I want to call the attention of my friend from New York to this fact, that before this war broke out the great majority of the officers of the line in the United States Army were not West Point graduates. I will call on the members of the Committee on Military Affairs for verification of that statement, that the majority of the officers of the line in the United States Army have never been through West Point. I have never been able to understand why a great military academy such as we have, maintained at enormous expense, could never furnish more than a minor percentage of American officers in time of peace, and not furnish even a nucleus in time of war. These men in the training camps were trained by men a majority of whom had never seen West Point, and most of whom had served in the National Guard of the various States.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; I yield to the gentleman from Michigan.

Mr. MAPES. Does this bill cover all graduates from the academy from the time the academy was organized?

Mr. BORLAND. Apparently.

Mr. MAPES. Who happened to have their longevity claims filed?

Mr. BORLAND. Yes.

Mr. MAPES. And who filed their claims from 1890 to 1908?

Mr. BORLAND. Yes; that is apparently the case.

Mr. MAPES. Will the gentleman yield for a further question?

Mr. BORLAND. Yes.

Mr. MAPES. How does it happen that such a large proportion of the graduates of the academy filed their claims during this time?

Mr. BORLAND. I have no way of answering that, except as the gentleman from Illinois says. There are always attorneys here interested in practicing before the Court of Claims, and occasionally they ransack the country and get a set of claims and bunch them up and get them before the Court of Claims. I have seen that done frequently, but I have no personal knowledge in this case.

Mr. IGOE. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Yes.

Mr. IGOE. Is it not true that the reason why they were filed at that time was that shortly before that the Supreme Court had sustained the validity of the claims? Is not that the reason why they were filed at that time?

Mr. BORLAND. I imagine that some attorneys had circularized the country as soon as the decision of the Supreme Court was made.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LONGWORTH. I know nothing about this bill except what I have heard in the debate, and I do not know how I shall vote on it; but it seems to me the gentleman has directed his argument against the policy of paying this longevity to the officers during the time they were in West Point. I understand the Supreme Court has so construed the law, and that other men have been paid under the same circumstances before this decision of the comptroller, and other men have been paid since that decision. Now, is it fair that you should segregate a certain class and say that merely on account of a decision of the comptroller, which is apparently against the Supreme Court, they should not be paid while the others are paid?

Mr. BORLAND. That seems to be the argument that is made, but from my standpoint these gentlemen have no equity. From my standpoint they might stand on a strictly technical legal right, which I think would be a gross injustice to the Government if they did stand on it, and not a very high evidence of patriotism; but if they had a strict legal right we might have to pay them. But when they come here appealing to equity, appealing to the conscience of Congress, they have universally been met with a refusal, and that is what they are appealing to to-day. They are appealing to sentiment, to conscience and equity. They admit that they have not any strictly legal right.

Mr. McKENZIE. Will the gentleman permit an interruption?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman five minutes more.

Mr. McKENZIE. In my judgment, the matter of longevity pay is a question of law, and according to this report the law of 1870 is as follows:

There shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each and every term of five years of service.

Now, the Supreme Court of the United States has ruled that the four years spent in the Military Academy shall be counted as time served in the Army in figuring longevity pay. It seems to me that the law is just as plain as A, B, C, and if a man has a legal claim for longevity pay, I do not see why it is necessary to have any legislation to enable him to get it.

Mr. BORLAND. That is the whole answer to it. If there were any legal claim, based upon a decision of the Supreme Court, there would be no necessity of appealing to the extraordinary powers of Congress to pass a claims bill. That is perfectly plain. Evidently they have not got a legal claim, or they would not be here.

Mr. REED. Are some of these claims to pay the heirs of dead men?

Mr. BORLAND. I suppose so. I say I know nothing about the claims except the fact that we have had them up before Congress in previous sessions, and there has always been a disposition manifested by Congress, especially by the House of Representatives, not to pay these claims, not to go back into the past, and allow these claims to be drummed up against the United States and bunched at this time. It does seem to me that if we took that position in time of peace, when this Government had a comparatively small military burden upon it, when we might perhaps indulge this idea that Army officers were somewhat men of the rank of nobility in our country, we certainly can not take that position in time of war. A man who goes through West Point does not get a patent of nobility. He gets an education at public expense to serve his Nation, and I have never been able to believe that he was entitled to any special consideration because he had an opportunity to go to West Point. Thousands of other good men do not have the opportunity, yet when the time comes they serve their country just as bravely and just as capably as the men who went through West Point. They did not have the opportunity, and we are just simply making discrimination in this longevity matter between men who had a splendid opportunity to go through West Point, and to be paid for doing it, and men who served their country without any such inducement. I do not think we ought to make that distinction. I do not think there is any equity in this claim, and if there was any law on their side they would not be here appealing to the sentiment about the blue and the gray. The claim ought to be defeated. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. WEBB. I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know no one will think I am unduly zealous in behalf of these people whose claims are now being considered before the House. There is no reason, political or otherwise, why I should espouse their cause, except a sense of justice. I am as much opposed to a law that makes the service of a cadet while in the academy count in computing his longevity pay as the gentleman from Missouri [Mr. BORLAND] seems to be. But that is not the question we are discussing and has nothing to do with it. Any gentleman who tries to confuse the issue by pretending that we are determining whether it is wise or not to count as service the time a cadet is in the academy as a part of his service on which longevity pay is based is either himself mistaken as to the issue raised in this bill or is knowingly or otherwise deceiving the committee, because the sole question here involved, as anyone can soon find if he takes the trouble to inquire, is whether men who stand in the selfsame relation to both the law and the fact shall receive the same treatment. Under the act of Congress of 1838 for the reorganization of the Army, the question of whether the longevity pay of an officer in the Army should be based upon his service after graduation or should include also the time he spent in the academy arose. The Supreme Court of the United States decided that in computing his longevity pay the four years that he was a student in the academy should be taken into consideration. That became the law of the land, because the Supreme Court said that was the intent of Congress. A Comptroller of the Treasury undertook to decide that he was not bound by the law—in other words, that he was not bound by a decision of the Supreme Court. All those who presented their claims to prior comptrollers were paid. All those who presented them to this particular comptroller were denied. Those who presented their claims to comptrollers who came after him were paid. Now, the question here is simply this: Whether men's claim for compensation resting upon the same facts and under the same law should be dealt with alike. Now, shall we recognize as binding upon the conscience of this country an erroneous ruling of a comptroller is up to us, or shall we mete out even-handed justice. That is the only question here involved. If we want to take advantage of a technicality or the

mistake of an officer of this Government, and thereby deny equal justice to men who have performed equal services, why, bless your hearts, vote against this bill. If you want to put yourselves on record as being in favor of denying equal rights to men whose claims rest upon exactly the same facts and law, then hide behind the technical erroneous ruling of a Comptroller of the Treasury that was in contradiction to a ruling of the Supreme Court of the United States. You will accomplish that end.

Mr. TILSON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. TILSON. Is there any question as to the ruling of that particular comptroller being wrong? In other words, was the ruling made by the other comptrollers right, in accordance with the decision of the Supreme Court, or was this ruling of this comptroller wrong?

Mr. CARAWAY. Absolutely wrong. The comptroller who came after, however, I think wisely decided that he was not a court of review; that the claims passed upon by the prior comptroller had been settled as far as he was concerned; and that he could not review the decisions of the prior comptroller. He was acting clearly within the law. He said that the comptroller was wrong, as everybody knows, but that he had no right to reverse it, and that no one could reverse it except the Congress of the United States, and we are to decide whether we will do it or not. Why, a man who would avail himself of that plea in this matter would plead the statute of limitations to avoid the payment of a just debt. The question is whether you want to plead a technicality to relieve the Government of its moral obligation.

Mr. BORLAND. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. BORLAND. This bill comes from the Judiciary Committee. Has not this exact question been presented to the Committee on Claims?

Mr. CARAWAY. I do not know as to that.

Mr. BORLAND. Is it not within the jurisdiction of the Claims Committee?

Mr. CARAWAY. Well, I do not submit my conscience to the Committee on Claims any more than I do to a Comptroller of the Treasury who makes a mistake. The question is whether it is just and right. Now I have no interest in it; my folks were all on the other side in the dispute. There is not a dollar going to anybody in my State. I never heard of anybody who was to profit by this legislation, but I would not deny justice to the blackest nigger that ever walked the earth under a technicality. [Laughter and applause.] And I would not permit my Government to do it if I could prevent it.

Mr. BORLAND. I do not want the gentleman to get away from that question that I asked.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WEBB. I yield the gentleman one minute more.

Mr. BORLAND. I am asking the gentleman whether it is not the uniform custom for the Court of Claims to bring its findings to Congress before the claims are paid and have them allowed? Why is it necessary that the gentleman's committee should bring in a bill authorizing the Court of Claims to enter up judgment?

Mr. CARAWAY. Anyone who understands the rules of the House will understand why it came to the Committee on the Judiciary, and I will not try to enter into an explanation of the rules of the House. The committee had jurisdiction of it. We believe that the country ought not to refuse to meet its legal obligations, and we voted for it.

Mr. COX. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. COX. If we do not pass this bill we punish the men who presented claims in their favor in time.

Mr. CARAWAY. Of course we do, and cover ourselves with infamy in doing it. [Applause.]

Mr. COX. Does not the gentleman in all sincerity feel that there ought to be some limitation placed in the bill as to the amount that would be allowed attorneys?

Mr. CARAWAY. If there is an attorney in it, I never heard of it. I can say truthfully that no attorney came before the committee, no attorney mentioned it to me, and no living soul has asked me to vote for the bill. I never heard of an attorney or agent or anybody else interested in it except these people, and they were not pushing it. It was a question that addressed itself to the conscience of the committee, and I voted for it.

Mr. COX. I am not trying to impute anything to the gentleman.

Mr. CARAWAY. I understand that. I want no attorneys or agents to profit by the act.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.



Mr. WALSH. Mr. Chairman, I yield the gentleman from Illinois [Mr. CANNON] 15 minutes.

Mr. CANNON. Mr. Chairman, I do not think I shall want all that time, but I want to understand this bill. First, by way of suggestion, no man in the House has a greater respect for the gentleman from Arkansas [Mr. CARAWAY] than I have, and that is also true of the gentleman from Pennsylvania [Mr. GRAHAM]. I am not impugning the motive of any Member of Congress, but I can not quite agree with the gentleman from Arkansas. The gentleman from Arkansas intimated that a man who invoked the statute of limitations was not honest. Now, as I understand, these people who were diligent have not received their pay, but if they are entitled to anything why do they want legislation?

Mr. MADDEN. Because they did not receive it on account of the Comptroller of the Treasury at that time refusing to follow the decision of the Supreme Court.

Mr. CANNON. Precisely, and lo and behold, somebody evidently got the legislation. The Comptroller of the Treasury passed on these claims for a period of 10 years and rejected them.

Mr. GRAHAM of Pennsylvania. Will the gentleman pardon me a moment?

Mr. CANNON. Yes.

Mr. GRAHAM of Pennsylvania. The history is that in the beginning this longevity was not permitted to cover the period while the men served in the Military Academy. The Supreme Court of the United States in 1884 decided that that must be counted. Then, for a period from 1884 down to 1890 all these claims that were presented were paid. Then, from that period, under a ruling of the Comptroller of the Treasury, claims that were presented to him were ruled out arbitrarily. The next comptroller that came in allowed the claims that were presented to him, but said that he would not review those that his predecessor had passed upon.

Mr. CANNON. I think that is the usual course as to a predecessor.

Mr. GRAHAM of Pennsylvania. But not where there has been a blunder by refusing to follow the decision of the Supreme Court.

Mr. CANNON. Yes; in many cases that has happened, where the Comptroller of the Treasury has adjudicated, and then if anything happens that the claims are established subsequently by a decision of the court without express legislation on the part of Congress the claims that have been adjudicated by the comptroller are not paid or readjudicated. The very object of the gentleman by this legislation is to get authorization, as I understand it, for their adjudication. Now, the gentleman from Arkansas I am sure is not familiar with legislation had in recent years. After the close of the Civil War there were a lot of claims for back pay and bounty, and they kept coming in and coming in.

They were adjudicated, hundreds and thousands, I suppose hundreds of thousands of dollars, where they had not been paid, and where the records showed they had not been paid. Congress in its wisdom passed a statute of limitations and said that after the year 1912, I think it was, or possibly 1913, it does not make any difference, no claims should be considered thereafter filed. I have made several efforts to try to get rid of that act because I have a lot of constituents who are old, where the back pay and bounty is due them, but on account of that legislation which has been had by Congress and within the last decade, there is nothing doing. I speak whereof I know. People die, the personnel of Congress changes, we cross over, and there come up new claims and old claims that may not have been just, with a new set of legislators, or with the death of witnesses that knew they were not just, and then comes a second trial. After all, I think there is wisdom in statutes of limitations amongst individuals, and I wish to God there was a limitation in the Constitution of the United States, 6 years or 10 years or 20 years, as the case may be, because after claims have been rejected time and time and time again they spring up frequently with every new Congress. Let me tell you what has happened, and I speak whereof I know. Take the contracts, for instance, had during the Civil War for the building of gunboats and for services to the Government. Some of them were settled and receipts given in full payment, and yet year after year and Congress after Congress, when claims were presented for those things they were turned down, but finally many of them were paid by express legislation. If there had been a limitation in the Constitution providing that when there was settlement once made and the money was received in full payment they could not be again paid, that thing would not have happened.

I want to say frankly I do not understand why this bill should pass, if it does pass, unless some of it is stricken out.

It is said that it is confined only to West Pointers, who can take under this legislation, having the four years in West Point counted for longevity.

Mr. GRAHAM of Pennsylvania. That is what the Supreme Court said.

Mr. CANNON. Precisely; that is what the United States Supreme Court said. What does this mean? It harks back to an act of 1838. I do not know how much significance there is in these claims, whether they are claims that have been pending or claims that have been rejected. We find them in the list of enlisted men. Take page 2 of the bill, going to line 10—

all services rendered as a cadet at the United States Military Academy—

Now, you might stop right there, if they alone are to be relieved; but we find further—

and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

That covers the whole shooting match.

Mr. GRAHAM of Pennsylvania. No; it does not.

Mr. CANNON. Then what is the use of it?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Precisely; I am seeking knowledge in good faith.

Mr. GRAHAM of Pennsylvania. Just those claims which were proved before a comptroller and disallowed. They are easily ascertained.

Mr. CANNON. Oh, but the legislation is broader than that. Let me read it:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances—

Longevity pay and allowances.

Mr. GRAHAM of Pennsylvania. Go on.

Mr. CANNON. It continues—

shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy.

Mr. GRAHAM of Pennsylvania. See how it is narrowed.

Mr. CANNON. But why did you broaden it here?

Mr. GRAHAM of Pennsylvania. Any lawyer would understand why it was broadened there. It is a recital of those acts; that is all.

Mr. CANNON. Oh, no; here is where the broadening comes in—

and as an enlisted man or commissioned officer of the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury—

Mr. GRAHAM of Pennsylvania. You see it is limited again.

Mr. CANNON (continuing)—

and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, what is the use of putting in the enlisted man?

Mr. GRAHAM of Pennsylvania. The act put it in.

Mr. CANNON. Did the act put it in?

Mr. GRAHAM of Pennsylvania. Yes; it is only a recital.

Mr. CANNON. But could the enlisted man come in now if he had been rejected?

Mr. GRAHAM of Pennsylvania. No; unless his claim was before the comptroller and rejected. It is limited to that. It is limited to those whose credit for their service at the academy had not been accounted for, and whose claims were proved before the comptroller.

Mr. CANNON. But the enlisted man did not have any four years at West Point. The decision of the Supreme Court did not cover him.

Mr. GRAHAM of Pennsylvania. No. Will the gentleman pardon me for just a suggestion?

Mr. CANNON. Certainly.

Mr. GRAHAM of Pennsylvania. The act covers the enlisted men, and there were certain conditions of service as enlisted men that were allowed to be counted by the officer when he became an officer. That is the general provision of the act, but we recite that act simply to identify the law. Under that we simply say that where the service at the academy has not been accounted and proof made before the comptroller, those claims shall be taken up and reconsidered as they ought to be.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. PLATT. The act of 1838 provides for additional pay, then in form of additional rations, for each five years of service "in the Army." This was first held to apply only to the time of the commission, afterwards service in the ranks as an enlisted man was counted, and then the question came up whether enlistments in the Military Academy—and when men are appointed to West Point they do enlist—should be counted as enlistment.

Mr. CANNON. Yes.

Mr. PLATT. And that was decided favorably by the Supreme Court in the decision cited here, so that the question of the other enlistment in the ranks does not come in here at all. That was not in the Supreme Court decision.

The decision was merely that West Point service is enlistment.

Mr. CANNON. That could be done without covering enlisted men or volunteer officers; it is not necessary to cover them.

Mr. PLATT. It is already covered without being in here.

Mr. FIELDS. They are already covered by the language of the statute now. That only refers to the law.

Mr. CANNON. This language takes that act and all other acts subsequent. What would the gentleman think if I proposed to strike out on motion the words "and as an enlisted or commissioned officer in the Regular or Volunteer Armies in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury"? Now, it looks like, to me, whoever drafted this bill—

Mr. FIELDS. That would be a discrimination wholly in favor of the West Point man.

Mr. CANNON. Well.

Mr. FIELDS. If under the law some man was entitled to this longevity pay who had served a certain time as an enlisted man, he is being discriminated against under the law that is now on the statute books.

Mr. CANNON. Well, I had supposed from reading this bill and what has been said about it that the people who were to be relieved were those who had been denied four years in the Military Academy.

Mr. GRAHAM of Pennsylvania. That is right—by the comptroller.

Mr. CANNON. The gentleman says that is right—by the comptroller. It seems some have been allowed. What is the use of spreading it beyond that?

Mr. GRAHAM of Pennsylvania. It does not go beyond that. If the gentleman will permit an interrogation, I would like to quote from a letter from the Secretary of War, Newton D. Baker.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I have a minute just to make this inquiry?

Mr. WALSH. I yield the gentleman from Illinois one minute.

Mr. GRAHAM of Pennsylvania. I quote from the letter of Secretary of War Baker:

The question of counting cadet service and service as enlisted men arose some years ago, and the then Comptroller of the Treasury ruled that service as a cadet at West Point was not considered service in the Army. The matter finally reached the Supreme Court, and on March 11, 1889, that body ventured a decision that—  
"Cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army," etc.

It appears that the claims of all of those officers which were presented prior to 1908 were disallowed, but that the officers who presented identical claims after another decision of the assistant comptroller in May, 1908, had their claims allowed and paid. The present Comptroller of the Treasury declares himself powerless to reopen such claims, no matter how just they may be, unless authorized by Congress to do so.

Accordingly, I have the honor to recommend that suitable legislation be enacted authorizing the Comptroller of the Treasury to reopen the claims of all officers who are entitled to longevity pay under the act cited.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

Mr. CANNON. Now, the gentleman's bill goes further—

Mr. GRAHAM of Pennsylvania. It does not go a step beyond that.

Mr. CANNON. Then I think I do not understand the English language. I have already read it twice and shall, when opportunity offers, propose an amendment to strike out the language from lines 11 to 17, inclusive.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Chairman, if I correctly apprehend the facts of this case and I think I do, then the merits of the pending proposition are beyond controversy. It is often said that the diligent man ought to be rewarded for his diligence, but according to the history of this case it is the slothful who have been rewarded, while the diligent have been punished. The committee ought to have in mind that the statute which determined the rights of the men who have received longevity pay is the same statute which is relied upon to estab-

lish the rights of the beneficiaries of the pending resolutions. This statute has been interpreted by the Supreme Court of the United States. It has also been interpreted by the comptrollers. One comptroller interpreting it, in advance of the decision of the Supreme Court held that it did not operate to include for the purpose of computing longevity pay the time spent by an officer as a student at West Point. Later the Supreme Court held that the time spent at the Military Academy, was to be counted as a part of an officer's service in the Army. Thereupon a number of officers who had noted the ruling of the comptroller excluding this time and therefore had never made application to have it considered in computing their longevity, were emboldened by this decision to submit their case to the comptroller. All of these applicants received longevity pay conformably to the interpretation of the statute established by the Supreme Court. The officers who had gone before the comptroller prior to the decision, and whose applications had been rejected, thereupon sought to secure the benefit of the same decision, by presenting their cases anew to the comptroller. What happened to these officers? Why, the comptroller held in substance, that he was not controlled or affected as to these cases, by anything that the Supreme Court had done, or any ruling that it had made, in interpreting the statute—that even if this court did hold that the ruling of antecedent comptrollers on the precise point presented was erroneous, and that service at West Point was to be considered in computing longevity pay, the comptrollers were a law unto themselves, and he would not undertake to reverse the antecedent ruling, but would reject the new applications, substantially on the ground, that the matter was *res judicata*. But the same comptroller who rejected the claim of an officer on this ground passed the claims of other officers whose cases, on the merits, were precisely those of the first officer, differing only in that they had never been presented to a comptroller, and therefore never had been rejected under an admittedly erroneous construction of the basic statute.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. GREEN of Iowa. I do not think the comptrollers went quite that far. But they simply said they would not sit as a court of appeals under the decision.

Mr. SAUNDERS of Virginia. The effect was the same.

Mr. GREEN of Iowa. The effect was the same.

Mr. SAUNDERS of Virginia. If we agree upon the effect, there is no occasion to concern ourselves over verbal distinctions, or differentiations. What does the pending bill propose to do? In this connection I will refer to a statement made, I believe, by the gentleman from Missouri [Mr. BORLAND] as follows: "If these people have any rights under the law, why do they not go to the courts? Why do they come to Congress with this bill?" The answer to these queries is very simple. These claimants can not go to the Court of Claims for the reason the time has expired within which they could sue in the Court of Claims. They can go to the comptroller, but this step would not avail them for the reason that the comptroller will not consider their applications, on the ground that the action of a former comptroller rejecting their claims, even if that action was error, renders their case, *res judicata*. In substance this high and mighty Treasury official announces that even though the Supreme Court has construed the statute contrariwise to the view taken by antecedent comptrollers he prefers to follow those comptrollers, in preference to a decision of our greatest court of last resort. Hence the intended beneficiaries of this bill are barred in both forums. This statute simply declares that the Court of Claims shall have jurisdiction to entertain the claims of officers who are entitled to the benefit of the decision of the Supreme Court, but who have been debarred therefrom by the rulings of one or more comptrollers. The statute might fairly be denominated a statute to make a decision of the Supreme Court effectual against an opposing ruling of a comptroller.

Should the beneficiaries of this bill bring themselves, upon the facts, within the benefit of this decision of the Supreme Court construing a statute which is the basic law for these cases then they will secure the same longevity pay which other officers upon the same state of facts have secured, no more, no less. The merits of the case presented for these claimants is manifest. On the one hand is a decision of the Supreme Court announcing that the statute relied upon by these claimants, includes the time spent at West Point by a student, as a part of his Army service, and should be considered in computing longevity pay. On the other hand, are the decisions of one or more comptrollers construing the same statute, and holding that time spent at West Point should be excluded in computing this pay. It should not be difficult to determine which ruling should be the determining authority.

Mr. TILSON. Will the gentleman yield?



Mr. SAUNDERS of Virginia. Yes.

Mr. TILSON. What does the gentleman have to say as to the purpose or effect of those words to which the gentleman from Illinois [Mr. CANNON] called attention to in lines 11 and 12 on page 2:

And as an enlisted man or commissioned officer in the Regular and Volunteer Armies.

Can he state whether this adds anything or whether it would subtract anything from the bill?

Mr. SAUNDERS of Virginia. I will refer the gentleman to the gentleman from Pennsylvania [Mr. GRAHAM], who has discussed that phase of the situation very fully.

Mr. TILSON. I was called out of the House at the moment, and I did not hear it.

Mr. SAUNDERS of Virginia. In reply to a query by the gentleman from Illinois [Mr. CANNON] the gentleman from Pennsylvania answered very fully the question now asked by the gentleman from Connecticut. This bill affords a relief to which its intended beneficiaries are very plainly entitled. These officers are asking for nothing but what others standing on the same footing as themselves have long since received. They are asking for something that should be accorded to them as a matter of right. They are not suppliants asking bounty or seeking a voluntary donation. They were diligent in presenting their claims and, by an erroneous ruling of a comptroller, have been punished for their diligence. In contravention of the accepted rule of action, the slothful in this case have been rewarded for their slothfulness.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, it has been stated, and well stated, that we are not considering the justice or injustice of allowing the service of four years in West Point in arriving at the longevity pay. That has been settled by the Supreme Court of the United States. I am frank to say that I think that law was wrong and that a law should never have been passed allowing this four years' service to be computed. But that law was passed and the Supreme Court of the United States held that it was valid.

Now, that law was passed upon by the Supreme Court in 1884 and for 10 years thereafter those claimants who presented their claims to the Comptroller of the Treasury received payment of them. All claims were not filed at the same time. They continued to file them, and in 1890 Comptroller Gilkeson, a new comptroller who came in at that time, reversed the decision of his predecessors and, we might say, the decision of the Supreme Court of the United States, and during his tenure in office he refused to pay these claims. After he went out of office the claims continued to come to the comptroller and his successor reversed his (Gilkeson's) ruling, and said that the claims were valid, and that he, acting upon the decision of the Supreme Court of the United States, would pay them, though he did not have the right to review those claims that had been filed during the tenure of his predecessor and were passed upon or rejected by him. So those are the claims that this legislation proposes to relieve.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question there?

Mr. FIELDS. Yes.

Mr. CAMPBELL of Kansas. Does the Judiciary Committee know how many of these claims there are and when the claims were pressed before the Auditor of the Treasury?

Mr. FIELDS. I will say to the gentleman I am not a member of the Judiciary Committee.

Mr. CAMPBELL of Kansas. I thought the gentleman was.

Mr. FIELDS. I am a member of the Military Committee.

Mr. CAMPBELL of Kansas. I can find nothing in the report. It does not mention the number of the claimants.

Mr. GRAHAM of Pennsylvania. It summarizes the amount.

Mr. FIELDS. The number does not affect the equity of the claims. If A, B, and C were claimants upon an equal footing and A filed his claim prior to the administration or the tenure in office of Comptroller Gilkeson, and his claim was paid, and C filed his claim after the service of Comptroller Gilkeson, and his claim was paid, can we take advantage of B, who filed his claim before Comptroller Gilkeson, whose decision conflicted with the decisions of both his predecessor and successor and the decision of the Supreme Court?

Mr. BORLAND. Will the gentleman yield?

Mr. FIELDS. I yield.

Mr. BORLAND. Does the gentleman agree with the position of the distinguished lawyer from Arkansas [Mr. CARAWAY] that Congress ought to rectify erroneous decisions of Federal courts, and that every time a judge is wrong Congress ought to sit as a court of appeals and set him right?

Mr. FIELDS. Well, I have seen some decisions that I thought Congress ought to show its disapproval of.

Mr. BORLAND. Does not the gentleman think injustice has often been shown to claimants?

Mr. FIELDS. I will say that this bill, if enacted into law, will only put the decisions of all Comptrollers in line with the decisions of the Supreme Court.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I would like to have had a little more time than that, but possibly I can get through in three minutes.

I am entirely opposed to longevity pay on account of service in the Military Academy, but that is not the question now before the House. My vote upon that is foreclosed, and the vote of a large number of the Members of this House is foreclosed, by their previous action. Some four years ago, I think it was, the gentleman from Pennsylvania [Mr. GRAHAM], who has presented this bill, introduced a bill which permitted certain officers who had been in the service of the Confederacy as well to present and have allowed their claims for longevity pay of this character under the same statute. The bill passed this House, as I remember, without a dissenting vote, at that time. It allowed exactly the same kind of claims. No possible reason could be given for allowing those claims that could not be given for allowing these that we have before the House at this time, and possibly some reasons might have been urged why those claims should not be allowed which would not operate against the claims we are now considering.

Mr. HELM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HELM. Is there anything in the language of this bill that gives the volunteer officer and the private soldier the same status that the Supreme Court of the United States gave the West Point cadets?

Mr. GREEN of Iowa. I have only three minutes and I can not go outside, if the gentleman will pardon me, and into that question.

I want to say a word further with reference to the bill that was before the House on the other occasion. At that time the gentleman from Pennsylvania [Mr. GRAHAM] made a most eloquent speech in favor of it—a speech, I might say, that is one of the classics of the CONGRESSIONAL RECORD—and unless my friend from Missouri [Mr. BORLAND] is prepared to say now he was entirely carried away by the eloquence of the gentleman from Pennsylvania, so that he hardly knew what he was doing at the time, I am unable to see how he can consistently vote against this bill. I take it, the gentleman was present on that occasion, as he is one of the most diligent Members of the House and always attending to business here.

Now, just a word further in reference to the statute of limitation. Without carrying the argument as far as the gentleman from Arkansas [Mr. CARAWAY] went, I will say the principle of the statute of limitations has no application to this situation whatever. We apply the statute of limitations because we say if a man is not diligent and does not present his claim within a reasonable time, we have a right to presume that his claim is not just. That is the principle upon which the statute of limitations is founded. That is the legal principle upon which it rests. But in this particular case, from the extraordinary circumstances that have arisen, a man who was diligent in presenting his claim early is debarred from presenting it now, and having it allowed, and others who put off the presentation of their claims until such a time when, if at all, the statute of limitations ought to apply, were permitted to present them and have their claims paid, and they were paid.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield? I want to ask a question for information.

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Texas. I understood the gentleman to say that the claims that had been filed prior to 1890 had been paid.

Mr. GREEN of Iowa. As I understand the situation, there were three sets of decisions with reference to this matter by different comptrollers. The early comptrollers ruled that these allowances ought to be paid. Then came in other comptrollers who ruled that they ought not to be paid; and then came in a third and last set, after the decision of the Supreme Court, and who were in accord with its decision and who admitted that these claims ought to be paid, but said that they ought not to sit as a court of appeals on the decisions of their predecessors. The result was that the later comptrollers paid new claims that were presented to them, but refused to pay the claims that we are now considering, holding that they were adjudicated by their predecessors.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes.

Mr. TOWNER. Mr. Chairman, the principle in this bill which Congress will have to determine is simply whether or not we will put this class of claims upon an equality with others of the same kind.

Now, here, very briefly speaking, is the situation: There were claims presented for longevity which were presented in time and within the statute of limitations. They were refused by a certain Comptroller of the Treasury Department. After this had been done, subsequent comptrollers granted the allowance of this class of claims.

Now, this class of claims is based upon this condition of law and of fact: The Supreme Court of the United States has said that as a matter of law the claimants are entitled to the payment of these claims. The Court of Claims has said that as a matter of fact the claimants are entitled to the payment of these claims. Both of those propositions have been adjudicated by the erroneous decision of a certain comptroller. A certain part of those claims were not allowed. Now, these parties can not make these claims because of the fact that the statute of limitations runs against them. So you are confronted with this proposition: Are you willing, as a matter of justice, to remove the bar of the statute of limitations in this class of cases? As my colleague [Mr. GREEN of Iowa] has just shown, the object of the statute of limitations is to secure the determination of claims in a timely manner and before the evidence is lost. That has been done, and the Court of Claims and the Supreme Court have decided that the claims are just. Now it is for us to say that they should be paid if they are established in accordance with law and fact.

I want to call the attention of Members of the House to this fact, that we have removed the bar of the statute of limitations and other bars against all those who served in the Confederate Army, and now if we refuse to do so in the present bill we make a discrimination against the Union soldier if we now refuse to remove the bar. If gentlemen are willing to do that, then they ought to vote against this bill. If you are willing to place the Union soldier upon exactly the same plane of equality that you have by unanimous consent voted to place the Confederate soldier, then you ought to vote for this bill.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. LONGWORTH. Would it not be a concrete statement to say that the object and effect of this bill is to remove from a sort of twilight zone a class of claims that are on exactly the same basis as claims that were allowed theretofore and claims that were allowed thereafter?

Mr. TOWNER. I could not concede that it was a twilight zone when we have an absolute decision by the Supreme Court and by the Court of Claims both on the question of law and fact.

Mr. LONGWORTH. But the adverse decision was not made by the Supreme Court, but it was made by a comptroller.

Mr. TOWNER. Yes; by the decision of a comptroller who refused to obey the decision of the Supreme Court. But we must either condemn the action that we took when we removed the bar from the Confederate soldiers or we must now give the same right to the Union soldier.

Mr. GARRETT of Texas. How long does the statute of limitations run?

Mr. TOWNER. Six years.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT. Mr. Chairman, it seems to me that there is some misunderstanding, because the report accompanying this bill is not quite as clear as might be as to some of the matters in this case. It recites the three longevity statutes—that of 1833, that of 1878, and that of 1881—the first being the ration statute, where the officers were allowed an additional ration for every five years they served. Once in a while we hear somebody talking in favor of that nowadays, but that was abolished or computed into money in 1870. Then comes the act of 1881. Each one of these acts provides that the actual time of service "in the Army or the Navy" shall be allowed to officers in computing their pay, and so forth. Of course, inasmuch as many men obtained commissions without going to West Point, the question as to whether their service in the Army as enlisted men should be counted in computing their longevity pay is a question that is quite pertinent, but it does not clearly appear in this report how it was settled.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. LONDON. I was trying to find out what longevity pay is and what is the nature of the claim.

Mr. PLATT. As I understand, every officer at the end of five years gets an addition of 10 per cent as longevity pay. He may be a captain for a long time when there is no war, but every time he passes five years he gets an increase of pay. I am right about that, am I not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. PLATT. He does not get additional pay until after he has been in the Army a certain time. The question first came up, if he had first served in the ranks as an enlisted man whether he could count his term of service as an enlisted man toward longevity pay. As I understand it, the Comptroller of the Treasury in 1838 first decided against this, but sometime afterwards this decision was reversed. Then still later the question came up as to whether service at West Point was not also "service in the Army" within the meaning of the statute. The Supreme Court decided in 1884 that it was; that a man was a member of the Army or of the Navy when he enlisted or on admission to West Point or Annapolis, and we know that when a man does go to West Point or Annapolis he is subject to the orders of the Commander in Chief of the Army and Navy and can be sent to the front at once. Subsequent decisions, including that in the Watson case in 1899, extended the scope of the decision of 1884.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. REED. I understand the statement has been made that the comptroller decided at first as to a part of the claim. Did not the comptroller grant some portion of their claim? But they are now claiming more. Did he not settle with them for a part of the period, but not for four years?

Mr. PLATT. I think not. I think this particular comptroller, if the gentleman is referring to Mr. Gilkeson and his immediate successors, 1890-1908, ruled against the whole thing. Before his time the claims were allowed. Then he disregarded the Supreme Court decision and ruled against them, and while he was in no claims were allowed. Then after his time, after 1908, they were allowed again; but those claims that came in during the period 1890-1908 were held by later comptrollers to have been adjudicated. This bill simply allows the claims of that one period to be brought before the Court of Claims and determined.

Mr. REED. Could not some applicant have had four or five years' service in addition to the service at West Point?

Mr. PLATT. It is not a question of discrimination against men who got their commissions through enlistment in the Army first or their going to West Point. It has been possible for men to enlist in the Army and get commissions quicker than West Point men get them. I know of a case myself of a boy who failed to get an appointment to West Point who enlisted in the Army and got a commission in three years. Those things happen. The law allows the boy to count his three years of enlisted service in computing his longevity pay, but West Point service as the law now stands is not counted.

Mr. BORLAND. My understanding is clearly that the only matter in dispute is the four years' service in the academy.

Mr. PLATT. Yes; for the particular cases mentioned, others having been decided.

Mr. BORLAND. Then that is the only matter affected by this bill. The enlisted man is not benefited by it.

Mr. PLATT. The enlisted man afterwards commissioned had already been benefited by earlier decisions. As I understand it, the decision of the Supreme Court in 1884 went to that one point, whether the four years at West Point were to be computed as enlistment in the Army.

Mr. BORLAND. Yes; that has been repeatedly stated here on the floor.

Mr. PLATT. It seems to me that this bill simply provides for equal treatment for all cases of the same kind. Many of these claims have been paid. Others exactly the same have not been paid and in justice should be paid.

Mr. WEBB. Mr. Chairman, we shall have only one more speech. I desire the gentleman from Massachusetts [Mr. WALSH] to use his time.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] has 5 minutes remaining, and the gentleman from Massachusetts [Mr. WALSH] has 21 minutes.

Mr. WALSH. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, it is, of course, perfectly obvious that a boy who goes to West Point or to Annapolis and receives an education there at the public expense is not entitled



to anything out of the Public Treasury because of any sacrifice he has made or any public service that he has rendered. There is no real merit in the claims of these officers who are now seeking to get something extra because they were permitted to go to West Point when other boys were denied that privilege. The claims stand purely upon a technicality, that an alleged discrimination was practiced against them. They have no merit in themselves. Their only argument is that somebody else got it and therefore they ought to have it. That is all there is in this bill.

Now, it is the present policy of Congress not to allow such a claim to be made. That policy is found in the act of Congress passed after this decision of the Supreme Court, which provides that no officer shall be allowed to add to his term of service for the purpose of getting longevity pay the time that he served in the academy. I find it as applicable to the Navy in the act of March 4, 1913, which provides as follows:

Hereafter the service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy who may hereafter be appointed to the United States Naval Academy or the United States Military Academy shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

The same kind of a statute has been passed applicable to service in the Army. Therefore it is the policy of Congress not to recognize at this time any such claim whatsoever. So that so far as those are concerned who have gone to the academy since this statute was passed, they will be discriminated against if we now turn back and give it to those who went to the academy before that time.

In 1838 it was held by the comptroller that those who had gone to the Military Academy should not be allowed to compute the time they were there as a part of their service in order to get this longevity allowance. That ruling remained in force for years and years, and while it was so in force and while the law was being so construed, Congress passed an act allowing longevity pay to officers in the Army. That was the beginning of it. Congress passed that act giving this longevity pay at a time when it was being uniformly held that the time spent at the academy could not be counted in. Congress undoubtedly, so far as longevity pay is concerned, never for a moment intended that boys favored by an education at the academy should have anything additional on account of it. It was after Congress had passed that statute allowing longevity pay, at a time when the law had long been held to be that time spent at the academy could not be computed or added to other service that the Supreme Court held that technically service at the academy was service in the Army and the longevity allowance was made. The Supreme Court held as a bare technicality that this statute giving longevity pay included time spent at West Point, and that cadets might have the benefit, as though in actual Army service, of the time they served there. Those who have received this pay for service at West Point have been allowed to do so because of a technicality. They had no real merit nor equity in their claims. They ought to have been ashamed to take the money.

And I say that there is no question of Union or Confederacy here now. I am surprised that gentlemen should talk about officers in the Union Army and Confederate officers. Gentlemen, that question is not involved in this bill. It has absolutely nothing to do with it. Confederate officers were enabled to present their claims by a statute removing the bar of Confederate service. They were in no way preferred over Union officers. The law merely placed both on an equality. That question is not in it and ought not to be brought into it.

Gentlemen ought not to get up here on the floor of the House and try to justify themselves in voting money out of the Public Treasury on the ground that it goes to Union officers. It is not proposed to give it to Volunteer officers. It is only for the fellows who had the benefit of West Point education at public expense. They have no merits in their claims, but stand upon a naked legal technicality. Against that technicality I match, for the consideration of the gentleman who stands on it the fact that such claimants had their day in court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman one minute more.

Mr. HUDDLESTON. They have had their day in court. Many wrongful decisions are made by the courts. They are made every day; it is a way courts have; but Congress does not undertake to do justice or correct them merely because the courts have erred. Public auditors make mistakes every day, and when the people to whom the claims are due, instead of taking their claims to the court, allow them to sleep throughout the long years, they ought not to undertake to come before Congress, standing, as I say, on naked legal technicalities. They should not come and ask us to rip up the decisions after long

lapse of time and pay their claims when they stand on no real merit. Let us have done with such nonsense.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. Hicks].

Mr. HICKS. Mr. Chairman, I desire to speak not upon the bill but upon another matter in which I think the House is patriotically interested. It is in reference to a service flag to commemorate the men who have gone forth from the House and enlisted in the armed forces of the United States. Nearly every building in this country, nearly every home in this Nation, is to-day decorated by a flag which is placed there in honor of the sons and fathers who have enlisted in the service of the Republic. This House has to-day on its honor roll of valiant soldiers—brave men who have gone forth wearing the uniform of the United States—the lamented Gardner of Massachusetts, Mr. LA GUARDIA of New York, Mr. HEINTZ of Ohio, and Mr. JOHNSON of South Dakota. I believe that this body should be so patriotic, so appreciative, so earnest, that we, its Members, will decorate the Hall of this House with a flag commemorating these four brave men and those that may follow them to the front.

I have already offered a resolution, Mr. Chairman, that is now pending before the Committee on Accounts, authorizing the procurement of such a flag, and I sincerely hope that it will report that resolution favorably, and that this House will indorse the action of the Committee on Accounts should they report favorably the resolution. [Applause.]

I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, there is no merit in this bill. There is no justice in it. There is no equity in it; it has no legs on which to stand. The only argument which its most ardent advocates and friends have advanced is an appeal to the fellows in the South, because they got their part of the swag a couple of years ago without any legitimate right, and the fellows in the North, who were barred from their part of the longevity pay between 1890 and 1908, were barred by an adverse decision by a Comptroller of the Treasury. Now, that is the kind of argument, but it does not appeal to me at all.

The student who goes to the Military Academy is graduated at the public expense or cost of about \$40,000 or \$60,000—I speak advisedly—to the taxpayers of the country, and it does not appeal to me with very much force when he comes to Congress and asks that these old graveyard claims, dead by the statute of limitations a long time ago, be resurrected.

Now, it is not my purpose to slander any member of the Judiciary Committee at all—far from it; but if any man wants to find out whether or not there are attorneys in this matter, let him go down to the auditor's office in the War Department. Let him go down and find out, as I have done, the attorneys that are behind these cases that have been denied between 1890 and 1908.

As I said a moment ago, I am not accusing the Judiciary Committee of anything unjust or unfair, but I am here to say to this Committee of the Whole that if there ever was an attorney's case presented on the floor of this House that never would have come here without an attorney, you are looking one now square in the face and fairly between the eyes. [Laughter.] It is an attorney's case, and that is all there is to it.

Now, with some amendments I may possibly vote for this bill. When the time comes I am going to offer an amendment, possibly two or more, and I want to ask the friends of this bill, the men who are sincere and who believe that it ought to pass, what earthly objection there can be to an amendment incorporating in the bill a provision that only the officers' widows and their children shall be allowed this longevity pay. Is there anything wrong in that? Would that destroy the bill? If your purpose be to remunerate simply the officers, if your premises are sound that they ought to have it, then are you going to insist that where the officer is dead and his widow is dead, where he has no children of his own, his nephews and nieces and uncles and aunts and collateral kin shall come into the Court of Claims and receive a part of the officer's claim or that part left by the attorney?

Another amendment I shall offer at the proper time—and I am not clear on that point as to the power of Congress—but it is that no attorney or agent of any attorney or set of attorneys shall receive a compensation in excess of 10 per cent of the amount which may be allowed by the Court of Claims.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield the gentleman one minute more.

Mr. COX. I hope some of you gentlemen will take time to go down to the auditor's office in the War Department and find out the names of some of these attorneys that have these claims.

One of the men I am reliably informed was called before a very competent committee of this House the other day with relation to steamboat inspectors. Congress has been besieged for an increase in salary of steamboat inspectors, and I think the committee was favorable to granting the increase. I know a little something about the salary of steamboat inspectors, and I think they ought to be increased. But what was finally developed? It was finally developed that the leading attorney of the vast majority of these cases now pending in the War Department had a contract with the steamboat inspectors whereby he got 10 to 20 or 25 per cent of the first year's increase of salary in the event that the bill went through Congress. That is what you are up against here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Seven minutes.

Mr. WALSH. Mr. Chairman, I understand that the gentleman from North Carolina [Mr. WEBB] has arranged to yield his time and that there will be only one more speech on that side. The gentleman from Pennsylvania, my colleague on the committee, Mr. GRAHAM, asked to get time from the gentleman from North Carolina, but he was unable to do so. Of the seven minutes remaining I desire to yield four minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not think I shall occupy the four minutes, but I want to correct one or two things that were not made clear in the beginning. I wish to call the attention of my colleagues to the fact that the lists published in the report of our committee are lists of the claims paid, and, of course, they go back beyond the period that was the subject of this controversy or dispute. I ask the attention of my colleagues also to the report, Appendix 2, which shows the history of this subject from the Fifty-first Congress down to this time. Bills exactly like this have been passed by the Senate of the United States, I think three times—twice I am sure of—in the history of this legislation, but they failed to pass in the House, not because of an adverse report but because they were not reached in the exigencies of the legislative period. I wish also to call the attention of my colleagues to the fact apparent in the quotation which I made from the letter of the head of the War Department in the present administration, Mr. Baker, who said that these claims were just and that they ought to be paid, and recommended to the Committee on Military Affairs that a proper and suitable bill should be introduced for the purpose of paying them; so that there has not been, as was intimated by the gentleman from Missouri [Mr. BORLAND], any instance in which these claims were turned down, repudiated, or adversely reported upon. In every instance they were recognized as fair. I wish to say one word in answer to the gentleman from Indiana [Mr. Cox]. He said the only meritorious argument found was the appeal based on the fact that certain legislation had taken place which allowed the soldiers or graduates of West Point that went into the Confederacy to get their "share of the swag," as he called it. The reference to that instance was only made to show that there was a demand in fairness and justice that the rest of those who graduated from West Point ought to receive the same consideration. Again I call attention to the fact that the argument presented based upon the statute repealing longevity rights is no argument to use against the payment of these claims. Very many of us will join with the gentleman who spoke here when he said that the four years of service at West Point at the expense of the Government ought not to be counted. I shall go as far as the gentleman from Missouri in saying that that perhaps ought not to be done, but that is not the question before us in this bill. The question before us is whether or not we can afford to dishonestly discriminate between several classes of men, shutting one side out simply because of an unfortunate decision by a comptroller and allow all the rest to be paid. It is not for us to say now what the policy of the Government ought to have been. The policy of the Government was clearly established during all those years and included in the count of longevity the period of service at the academy at West Point.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WALSH. Mr. Chairman, a great deal has been said with reference to these claims, and the appeal has been made that we ought to pass this bill in order to do equity. Since these claims were filed the United States, through its Congress, has enacted legislation which shuts out men who to-day stand in the same situation as these men stood in at the time they presented their claims, and it is said that hereafter attendance at the Military Academy shall not accrue to their benefit in getting

longevity pay. One reason why I submit that equity will not be done is because the men themselves will get no benefit from this legislation, and if you will examine the files you will ascertain that the claims are filed by administrators and by persons representing the estates of these gentlemen, who have long since passed away.

Mr. COX. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. COX. Does the gentleman know how many of these unpaid claims still remain?

Mr. WALSH. I do not; nor was there any information presented to the committee respecting it, nor do we know how much it will cost, but the gentleman from Pennsylvania [Mr. GRAHAM] admits that it will cost about a half million dollars. In these days, when we are appropriating by the billion, of course we can pass over very lightly a half-million dollar appropriation in order to be equitable and just, but up to about 1884 no one ever suspected that the period spent in the Military Academy was to be counted, and it was only because some shrewd and clever agent was able to present his claim in such a manner and get it before the Court of Claims and take it before the Supreme Court that this ruling was secured. But the Supreme Court only assumed to act and adjudicate it in so far as they assumed the Court of Claims had jurisdiction, and in following that this Comptroller of the Treasury based his ruling, namely, that the Supreme Court only assumed to determine the question raised in so far as it held the Court of Claims had jurisdiction, and the Court of Claims only had jurisdiction in that class of cases that was filed within six years.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. And so I say that, in order to be equitable, we better know not only what it will cost but the reason for the adjudication by the Comptroller of the Treasury. I yield to the gentleman from Missouri.

Mr. IGOE. Did not the gentleman, as a member of the committee, approve an equitable claim by the State of Massachusetts from this very committee for about \$600,000 growing out of a Civil War claim in the last Congress?

Mr. WALSH. Yes; I did; but it was not based upon any such flimsy pretext as is set up to do equity in this case, as the gentleman well knows; it related to a case where money had been paid by that State.

Mr. GRAHAM of Pennsylvania. Was it not a question of getting interest on an old debt that had been carried for the Government?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WEBB. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, this matter has been so fully discussed that it is idle to try and offer anything new. I want to call the attention of the committee to the fact that no one disputes that this is a valid legal claim except so far as it may be affected by the statute of limitation. Outside of that there is no question about the propriety of it. We have paid a large number of like claims, claims standing on exactly the same footing, to the officers who joined the Confederate Army. Why, then, should we not do equal justice to the officers who served the Union during the Civil War? They say this is a technical claim. Now, is it technical? Is it any more technical than any other claim against the Government? There is a statute directing this payment. The Supreme Court has held that these officers are entitled to this pay. The Court of Claims has held the same thing. The Secretary of War says this is an honest claim and ought to be paid. It seems to me that all this discussion with reference to whether it was good policy to authorize this payment in the first instance has no real bearing upon this matter at all. That is past. The parties whom we are seeking to help are the parties who used diligence in collecting their claims from the Government. They can not be said to have slept upon their rights. They presented their claims in due course and their claims ought to have been allowed, as appear clearly by the decisions to which I have called attention.

Mr. KEATING. Will the gentleman yield?

Mr. VOLSTEAD. I do not have the time.

Mr. KEATING. Just for one question. Has the gentleman read Comptroller Gilkeson's decision?

Mr. VOLSTEAD. I read it a year or more ago, and do not remember.

Mr. KEATING. As a matter of fact, was not he merely barring those claims which were not presented within six years?

Mr. VOLSTEAD. No; as I understand it, he barred out all of these claims.

Mr. KEATING. No; those not presented within six years.



Mr. VOLSTEAD. No matter what he did, it is perfectly apparent that the claim is just and valid under the law and that these officers have a right to it. We ought to do justice to these parties, and that is all that is asked in this case.

Mr. GARRETT of Texas. I would like to ask the gentleman to clarify that a little. I think it is a very important question which the gentleman from Colorado asked whether this comptroller from 1890 to 1908 disallowed only those claims which were not filed within six years.

Mr. VOLSTEAD. I do not remember just what he held, but one thing is perfectly plain, the Secretary of War has passed upon this matter within very recent times. The Supreme Court has passed upon it and the Court of Claims has passed upon it, and they have all held that it is a fair and honest claim. It does not make any difference, it seems to me, what he did hold. He did refuse to allow the claim. It does not matter what reason he gave for his action.

Mr. GARRETT of Texas. Did he allow any claim during his administration? Were any of these claims allowed from 1890 to 1908?

Mr. KEATING. Comptroller Gilkeson did not overrule the Supreme Court's decision. On the contrary, he told his subordinates to follow that decision, but that the Supreme Court did not take jurisdiction except in so far as the Court of Claims had jurisdiction, and that the Court of Claims did not assume the jurisdiction of claims which were not filed within six years.

Mr. WEBB. I will ask the Clerk to read.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

*Be it enacted, etc., That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States v. Morton, volume 112, United States Reports, page 1; and United States v. Watson, volume 130, United States Reports, page 80; and of the Court of Claims in Stewart v. United States, volume 34, Court of Claims Reports, page 553.*

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. Will this be regarded as one section and the two paragraphs be read before any amendment can be offered?

The CHAIRMAN. The Chair is of opinion that there are two paragraphs and that each paragraph should be treated separately.

Mr. COX. Then I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add after the word "Army," in line 5, page 1, the following: "Who are living, or their widows and children."

Mr. COX. Now, Mr. Chairman, I think I said a moment ago on this amendment about all I had to say, but I would like earnestly to ask the most ardent advocates of this bill what earthly objection can they possibly have to this amendment?

What is wrong? If you want to compensate the officer, if he is alive, my amendment will let you do it. If the officer himself is dead, but his widow is living, my amendment lets you compensate her. If the officer and his widow both be dead, and they have any children living, my amendment lets you compensate them. Now, if it is justice and equity you are after, gentlemen, and that is the whole theory on which you bottom every argument that has been presented by every man who has spoken in favor of this bill, I am presenting you in this little amendment a case of equity, pure and simple.

I appeal to you, gentlemen, from another viewpoint. We ought to be just with ourselves and with our constituents before we become generous. Has the time come that when we compensate the officer, or if he be dead, then his wife, or if she be dead, then his children, that justice would say we should stop there before we go to compensating collateral kin—nephews, nieces, uncles, and aunts, and so forth?

Mr. WALSH. Will the gentleman yield?

Mr. COX. Yes.

Mr. WALSH. The gentleman's amendment is written "widows and children." Should it not be "widows or children"?

Mr. COX. That is correct.

Mr. WALSH. That should be corrected.

The CHAIRMAN. Without objection, the word "and" will be changed to "or."

There was no objection.

Mr. COX. I do not believe, as I said a moment ago, that the most ardent advocates of this bill can afford to oppose this amendment. If there be any merit at all in the entire proposed bill, it is in compensating the officers themselves. It is a peculiar thing to me—at least, somewhat peculiar—that the ardent advocates of this bill certainly had it within their power to file and make a part of their report the number of these unpaid claims that are pending down here with the Audi-

tor for the War Department and did not do it. If they had exercised a little care or a little diligence by going down there, I do not think there would have been very much trouble for them to have found out how many of these unpaid claims are still pending in the department. And I know, Mr. Chairman, it would not have been very much trouble for them to have found out these attorneys' hands that have been playing in these cases for, lo, these many years.

Now, I am not in favor of going beyond the payment of the officer, his widow, or his children. I am in favor of stopping right there. I am not in favor of paying these attorneys 50 or 75 per cent upon whatever claim may be allowed by the Court of Claims as of judgment against the United States.

Mr. ROBBINS. To what extent will your amendment affect the number of claims in this bill?

Mr. COX. I have no idea; but I have an idea it will affect it very materially.

I had no idea that any of these claims were out in my district. I have one claim in my district, in the extreme southern part of Indiana, 800 miles from here. Some attorneys who were diligent in looking after the welfare of the soldier—oh, yes—got up a claimant away out in my district—a forty-second cousin of a graduate of West Point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. COX. About a forty-second cousin of a graduate of West Point. And I speak almost authoritatively when I put that multiplication to it. Before I wrote the party that I refused to support this legislation I took some precaution to find out who the party was and who his ancestor was. The relationship between them was about in the fourth degree. I promptly wrote the party that I would not support the bill, that I would not support it or any other as unmeritorious a claim from my district.

To sum this whole matter up, as I said a while ago—and I am not slamming the Judiciary Committee at all—I wish to say that you are dealing here with an attorney's case. When you pass this bill you will put in the pockets of certain attorneys here in the city of Washington, who are diligent to the day of judgment, not less than \$250,000. That is what you are going to do. With a war in which we are spending billions, is this a war measure? No. Shall we put it upon that ground and run our hands into the Treasury of the United States and take out of there \$500,000, one-half to go to attorneys in this city? No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I confess I was rather inclined from a sentimental viewpoint to favor the enactment of this law, but I have listened to the amendment of the gentleman from Indiana [Mr. Cox], and I concur in the view that he has presented to the House. If there be any right, it must lie in the allowance of the claim first to the man who served; and if he be dead, to his widow; and if she be dead, to their children. And I verily believe it ought not to go beyond that. If we go beyond that, we appropriate the money out of the Treasury for the payment of attorneys' fees in large measure. And I am opposed to the payment of money from the Treasury of the United States to men who have been lobbying for the enactment of a law for the payment of bills that have long since gone beyond the realm of legality under the law.

And so I say that if we want to do justice, if we want to do equity, if we want to be fair to ourselves and to the Treasury of the United States, we can afford to agree with the gentleman from Indiana [Mr. Cox] and adopt the amendment which he has suggested, which does ample justice to everybody that ought to be concerned in the case.

Mr. ROWE. Will the gentleman yield there?

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. DOWELL. Does the gentleman understand that this amendment applies to children, whether they be of age or not? Or does it apply to those under age?

Mr. MADDEN. Well, it applies to the children of the soldier and his widow. If neither the soldier nor his widow be left, it applies to the children, whether they are of age or under age.

Mr. ROWE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROWE. I have a case similar to that kind, where a man was a Civil War veteran, and he died and left three children. Two of those are dead now, but they left some little children.

In that event it would all go to one middle-aged woman and cut off those three children, his direct heirs.

Mr. MADDEN. I think the amendment of the gentleman from Indiana goes far enough. Of course, if you extend it to meet the case cited by my friend from New York you would have to extend it to meet the case of a nephew or a thirty-second cousin, or some other collateral heir, no matter how far distant, and there ought to be a line beyond which we will not go. The line has been drawn by this amendment, and it is just and fair and decent, not only to the claimants but to ourselves and to the people of the United States, for whom we speak. [Applause.]

Mr. BORLAND. Mr. Speaker, there is a special need why this amendment of the gentleman from Indiana [Mr. Cox] should pass and why his strictures about the attorneys' case are quite applicable. Nobody, of course, who knows the membership of the Committee on the Judiciary imagines that that is any reflection upon their consideration of this legislation or upon them; but I call the attention of the committee to the fact that this bill reads in its first line—

That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made.

Now mind: This whole bill is applicable only to a narrow class of cases, those where findings of fact have heretofore been made by the Court of Claims. So all of this argument about this bill not discriminating against anybody falls to the ground. This very bill is going to discriminate against everybody except those whose findings of fact have heretofore been made. Now, those findings of fact have heretofore been made only upon the claims of those who have employed attorneys to present their cases to the Court of Claims. That is just as plain as sunlight. During the 18 years in which this ruling was in force, from 1890 to 1908, when it was being held by the Comptroller of the Treasury that only such claims as the Court of Claims had taken jurisdiction of and the Supreme Court had affirmed would pass the muster of the Treasury, doubtless there were many other claims that did not pass muster, but they are not included here. However meritorious those officers may have been, they did not get in during that period, they did not get their claims before the Court of Claims, and they did not employ any attorney, and therefore they are not in this bill, because this bill says that only those whose findings of fact have heretofore been made shall have any advantage from this bill.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

Mr. BORLAND. In just a minute. It gives the court power to enter judgment in cases where the findings of fact have heretofore been made, and that confines it to the class of cases that some attorney has already had charge of.

Mr. GRAHAM of Pennsylvania. You say that is discriminatory. Have not all the others been paid?

Mr. BORLAND. No.

Mr. GRAHAM of Pennsylvania. I say they have been.

Mr. BORLAND. It is perfectly manifest from the information that was given about Comptroller Gilkeson's decision that what he did was that he ordered the auditor to allow all claims of which the court had taken jurisdiction, which included all claims filed within six years, and not to allow the claims of which the court had not taken jurisdiction; and that decision clearly indicates that there were some claims that fell outside his ruling. That is perfectly evident to me, and it must be perfectly evident to every lawyer in this body. There must have been certain cases that fell outside of that ruling. The cases that come under this bill are the cases where some attorney has taken the claims and presented them to the Court of Claims and secured findings of fact, and those findings of fact are now before this body.

Now, that being the case, it is specially necessary that this amendment be passed concerning this payment, not to the estate generally of the claimant or to his collateral heirs, but to the claimant himself and to those dependent upon him, his widow and children. I purpose to follow this by an amendment limiting to 10 per cent the amount that any attorney can be paid of any one of these claims. Now, I do not feel authorized to present my amendment unless if adopted I would vote for the bill, and I assume that the gentleman from Indiana [Mr. Cox] takes the same position. It seems to me that if we present these amendments and the House agrees to them, we are in some measure bound to support the bill, whatever might be our general view about the equities of it. But it does seem to me that these two propositions are absolutely essential in order that this House and the Treasury shall not be imposed upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, with respect to the amendment that has been offered I wish to say that in my judgment it is not founded in right. Either these men have

a claim that is established and just or they have not. If this Congress were making a gift to these men, that would be one question. But if we are simply correcting an error committed by an officer of the Government, that excluded their claims from consideration unrighteously, you have no right to debar any of the persons who would be interested in the estate of a deceased soldier from participation in a legal and just claim. You are not granting these men a favor; you are granting them a right. All who preceded were paid; all who came afterwards were paid; and this list of men were just as much entitled to their money and to have it devolve according to law as any of those who received their money, and to put this limitation on it is not to act in accordance with the spirit of justice. Besides, I understand the gentleman from Illinois adopted the interpretation of this amendment that if there were grandchildren of these soldiers they could not inherit. What right have you to deny to the blood of the men who earned and deserved this compensation that their relatives in that degree at least shall participate in the distribution of whatever money is recovered? [Applause.]

Mr. DOWELL. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DOWELL. As a matter of law, would not the grandchildren inherit under this bill from those who are entitled to it as children?

Mr. GRAHAM of Pennsylvania. No; not if you limit it in this bill. I am sorry to say it would limit it to soldiers who are living and their widows or children.

Mr. DOWELL. But it does not limit it to living children, and if it went to the children by inheritance it would then go to the grandchildren.

Mr. GRAHAM of Pennsylvania. Not unless they had a vested interest.

Mr. DOWELL. Would not that be true in case of a will?

Mr. GRAHAM of Pennsylvania. That is a different matter. That is different from the interpretation of a statute which recognizes the right solely upon the theory that it shall go to the widow or children. Children are a well-designated, specified class. The comptroller could only consider the claim when presented by the persons named in the act.

Mr. DOWELL. But if this is a claim which has been established, and is now a part of the estate, is it not true that the grandchildren would take the part that belonged to the child as a matter of law?

Mr. GRAHAM of Pennsylvania. Here is the difficulty. There is no method of enforcing the claim except by virtue of the power granted in this act of Congress to the comptroller to review the decision of a previous comptroller, or to the Court of Claims to enter judgment upon a state of facts already proved before them, and no award could be made to anyone outside of those specifically named in the act.

Mr. SANFORD. That might apply after the passage of this act.

Mr. GRAHAM of Pennsylvania. Yes; that might apply after the passage of this act with a vested right. Then I think the gentleman's theory of the law might possibly be applicable, but until then it would not prevail.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Here are some claims the payment of which is sought after many times and many years of refusal by Congress in time of peace, when there was a full Treasury to pay the same. Now, what is the condition of the country? In the first place, by voluntary contributions by the hundreds of millions, to the Red Cross, to the Young Men's Christian Association, to the Knights of Columbus, everywhere, men and women, North and South, are called upon, outside of taxation, from the standpoint of patriotism, to help the present in the great contest for the future. There are claims enough against the Government—some of them perchance with equity, most of them without equity, nearly all of them barred by the statute of limitation—to patch hell a mile. [Laughter and applause.] We passed on yesterday a second deficiency bill for over a billion dollars for the present year, and, as I recollect, a further deficiency, after extraordinary appropriations made on recommendations of the committee having jurisdiction, of over \$2,000,000,000.

We are financing our allies by the multiplied billions. We are taxing ourselves and our constituents world without end. We are supporting the Army in its preparation for its service abroad and building a Navy by the billions of dollars. And yet here comes this claim that in God's chancery never ought to have been allowed or authorized. [Applause.] They say that it is confined to the graduates of West Point. I think it is broader than that, as I explained before. With that which we have at the present time for voluntary donation, when you consider all the industries to win this war and all the organizations



to enable us to win it, when you consider that we have already run two liberty loans and another coming to double both of them, with another revenue bill in sight, let us deal with the present instead of hatching up claims of doubtful character and beginning to vitalize them.

If it be in order, Mr. Chairman, when this amendment is disposed of, I will move to strike out the enacting clause. [Applause.]

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

TL. CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Is not the proposed motion of the gentleman from Illinois to strike out the enacting clause now in order?

The CHAIRMAN. The Chair is of opinion that it is in order at any time.

Mr. CANNON. Then, Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

Mr. WEBB. But, Mr. Chairman, the bill has not yet been read under the five-minute rule.

The CHAIRMAN. As the Chair stated, the motion is in order at any time, and the question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 54, noes 28.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, and had directed him to report the same back with an amendment striking out the enacting clause.

Mr. CANNON. Mr. Speaker, I move the previous question.

The question was taken.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I raise the point of no quorum.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 33, noes 53.

So the motion to adjourn was not agreed to.

The SPEAKER. The gentleman from Pennsylvania makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. The question is on the motion of the gentleman from Illinois for the previous question, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 51, answered "present" 4, not voting 112, as follows:

## YEAS—261.

Alexander	Cooper, W. Va.	Flood	Hicks
Almon	Cooper, Wis.	Fordney	Hilliard
Anderson	Cox	Foster	Huddleston
Ashbrook	Crago	Francis	Hull, Tenn.
Aswell	Cramton	Frear	Humphreys
Ayres	Cris	Freeman	Hutchinson
Bacharach	Crosser	French	Igoe
Baer	Currie, Mich.	Fuller, Ill.	Ireland
Bankhead	Dale, N. Y.	Gallagher	Jacoway
Barkley	Dale, Vt.	Gard	James
Barnhart	Darrow	Garner	Johnson, Ky.
Beakes	Decker	Garrett, Tenn.	Keating
Bell	Dempsey	Garrett, Tex.	Kehoe
Beshlin	Dent	Gillett	Kelly, Pa.
Black	Denton	Glass	Kennedy, Iowa
Bland	Dickinson	Glynn	Kennedy, R. I.
Blanton	Dies	Godwin, N. C.	Kettner
Borland	Dill	Goodall	Key, Ohio
Brand	Dillon	Gordon	Kincheloe
Browne	Dixon	Gould	King
Buchanan	Domineck	Gray, N. J.	Kinkaid
Burnett	Doolittle	Greene, Mass.	Kitchin
Burrhoughs	Doughton	Grege	Knutson
Byrnes, S. C.	Dowell	Hadley	Kreider
Byrns, Tenn.	Drane	Hamilton, Mich.	La Follette
Caldwell	Dunn	Hamilton, N. Y.	Langley
Campbell, Kans.	Dupré	Hamlin	Larsen
Campbell, Pa.	Eagan	Harrison, Miss.	Lazaro
Cannon	Edmonds	Harrison, Va.	Lee, Cal.
Carew	Elliot	Hastings	Lee, Ga.
Carter, Okla.	Ellsworth	Haugen	Lehibach
Cary	Esch	Hawley	Lenroot
Chandler, Okla.	Evans	Heaton	Leshner
Clark, Pa.	Farr	Helm	Lever
Claypool	Fess	Helvering	Little
Collier	Fields	Hersey	Littlepage
Connally, Tex.	Fisher		Lobeck
Connelly, Kans.			London

Loneragan	Park	Siegel	Voigt
Lundeen	Parker, N. Y.	Sinnott	Waldow
Lunn	Peters	Sisson	Walsh
McAndrews	Phelan	Sloan	Walton
McArthur	Polk	Smith, C. B.	Ward
McClintic	Purnell	Smith, T. F.	Wason
McKenzie	Quin	Snell	Watson, Va.
McKeown	Raker	Snook	Weaver
McKinley	Ramsey	Snyder	Webb
McLaughlin, Mich.	Ramseyer	Stafford	Wetly
McLemore	Randall	Steagall	Wheeler
Madden	Rankin	Stephens, Miss.	White, Me.
Mansfield	Reed	Stevenson	White, Ohio
Mapes	Rogers	Stiness	Williams
Martin	Romjue	Sweet	Wilson, Ill.
Mays	Rouse	Swift	Wilson, Tex.
Merritt	Rowland	Switzer	Wingo
Montague	Rubey	Tague	Wise
Moon	Russell	Taylor, Ark.	Wood, Ind.
Neely	Sanders, Ind.	Temple	Woods, Iowa
Nelson	Sanford	Thomas	Woodyard
Norton	Saunders, Va.	Thompson	Wright
Oliver, N. Y.	Schall	Tillman	Young, N. Dak.
O'Shaunessy	Sears	Tilson	Young, Tex.
Overmyer	Sells	Timberlake	Zihlman
Overstreet	Shackleford	Van Dyke	
Padgett	Shallenberger	Venable	
Palge	Sherwood	Vinson	

## NAYS—51.

Austin	Graham, Pa.	Morin	Sims
Butler	Green, Iowa	Mott	Slayden
Caraway	Griest	Nolan	Slemp
Carlin	Hull, Iowa	Oldfield	Smith, Idaho
Classon	Johnson, Wash.	Parker, N. J.	Smith, Mich.
Davidson	Juni	Platt	Steele
Davis	Kearns	Pratt	Stephens, Nebr.
Dewalt	Kless, Pa.	Robbins	Sterling, Ill.
Fairchild, B. L.	Lufkin	Rose	Strong
Fairfield	McFadden	Rowe	Tinkham
Focht	Mason	Sanders, N. Y.	Vestal
Foss	Moores, Ind.	Scott, Pa.	Volstead
Graham, Ill.	Morgan	Shouse	

## ANSWERED "PRESENT"—4.

Browning	Goodwin, Ark.	Hardy	Treadway
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## NOT VOTING—112.

Anthony	Ferris	McCormick	Rucker
Blackmon	Flynn	McCulloch	Sabath
Booher	Fuller, Mass.	McLaughlin, Pa.	Sanders, La.
Bowers	Gallivan	Magee	Scott, Iowa
Britten	Gandy	Maher	Scott, Mich.
Brodbeck	Garland	Mann	Scully
Brumbaugh	Good	Meeker	Sherley
Candler, Miss.	Gray, Ala.	Miller, Minn.	Small
Cantrill	Greene, Vt.	Miller, Wash.	Stedman
Capstick	Haskell	Mondell	Steenerson
Carter, Mass.	Hayden	Moore, Pa.	Sterling, Pa.
Chandler, N. Y.	Hayes	Mudd	Sullivan
Church	Helntz	Nicholls, S. C.	Summers
Clark, Fla.	Hensley	Nichols, Mich.	Talbot
Coady	Holland	Oliver, Ala.	Taylor, Colo.
Cooper, Ohio	Hollingsworth	Olney	Templeton
Copley	Hood	Osborne	Towner
Costello	Houston	Porter	Vare
Curry, Cal.	Howard	Pou	Walker
Dallinger	Husted	Powers	Watkins
Denison	Johnson, S. Dak.	Price	Watson, Pa.
Dooling	Jones, Tex.	Ragsdale	Welling
Doremus	Jones, Va.	Rainey	Whaley
Drukker	Kahn	Rayburn	Wilson, La.
Dyer	Kelley, Mich.	Reavis	Winslow
Eagle	Kraus	Riordan	
Emerson	LaGuardia	Roberts	
Estopinal	Linthicum	Robinson	
Fairchild, G. W.	Longworth	Rodenberg	

So the previous question was ordered.

The Clerk announced the following pairs.

Until further notice:

Mr. CLARK of Florida with Mr. GREENE of Vermont.

Mr. TALBOTT with Mr. BROWNING.

Mr. HOLLAND with Mr. FULLER of Massachusetts.

Mr. BOOHER with Mr. TREADWAY.

Mr. CANDLER of Mississippi with Mr. MAGEE.

Mr. ESTOPINAL with Mr. EMERSON.

Mr. BRODBECK with Mr. CARTER of Massachusetts.

Mr. BRUMBAUGH with Mr. DENISON.

Mr. COADY with Mr. GARLAND.

Mr. DOREMUS with Mr. BOWERS.

Mr. CHURCH with Mr. BRITTEN.

Mr. FERRIS with Mr. COOPER of Ohio.

Mr. WATKINS with Mr. GOOD.

Mr. FLYNN with Mr. HAYES.

Mr. JONES of Virginia with Mr. LONGWORTH.

Mr. GALLIVAN with Mr. HUSTED.

Mr. LINTHICUM with Mr. MONDELL.

Mr. GRAY of Alabama with Mr. KELLEY of Michigan.

Mr. OLNEY with Mr. MECKER.

Mr. HAYDEN with Mr. MUDD.

Mr. POU with Mr. REAVIS.

Mr. HOUSTON with Mr. MOORE of Pennsylvania.

Mr. PRICE with Mr. KRAUS.

Mr. RAYBURN with Mr. SCOTT of Michigan.

Mr. RUCKER with Mr. RODENBERG.

Mr. ROBINSON with Mr. STEENERSON.  
Mr. SABATH with Mr. ROBERTS.  
Mr. SMALL with Mr. STERLING of Illinois.  
Mr. SCULLY with Mr. CURRY of California.  
Mr. STERLING of Pennsylvania with Mr. POWERS.  
Mr. SHERLEY with Mr. TOWNER.  
Mr. WEALEY with Mr. NICHOLS of Michigan.  
Mr. TAYLOR of Colorado with Mr. OSBORNE.  
Mr. WILSON of Louisiana with Mr. COPLEY.

The result of the vote was announced as above recorded.  
The SPEAKER. The question is on adopting the report of the committee striking out the enacting clause of House bill 1601.  
The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WEBB. Mr. Speaker, on that I ask for a division.

The House divided; and there were—ayes 148, noes 81.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Fifty-eight gentlemen have risen, a sufficient number, and the Clerk will call the roll.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. A vote of "yea" defeats this bill and a vote of "nay" sustains it. Is that correct?

The SPEAKER. That is correct, although that is not a parliamentary inquiry.

The question was taken; and there were—yeas 172, nays 141, answered "present" 3, not voting 112, as follows:

## YEAS—172.

Alexander	Denton	Humphreys	Randall
Almon	Dickinson	Hutchinson	Rankin
Anderson	Dies	James	Rayburn
Ashbrook	Dill	Johnson, Ky.	Romjue
Aswell	Dillon	Keating	Rouse
Ayres	Dixon	Kehoe	Rubey
Bankhead	Dominick	Kennedy, Iowa	Russell
Barkley	Doolittle	Key, Ohio	Sanford
Barnhart	Doughton	Kinchelee	Sears
Beakes	Dowell	Kinkaid	Shackleford
Bell	Drane	Lazaro	Shallenberger
Beshlin	Eagan	Lee, Ga.	Sherwood
Black	Edmonds	Lehlbach	Siegel
Blanton	Elston	Lenroot	Sisson
Borland	Esch	Leshner	Sloan
Brand	Evans	Lever	Smith, C. B.
Browne	Fess	Little	Smith, T. F.
Buchanan	Fordney	Lobeck	Snook
Burnett	Foster	London	Snyder
Burroughs	Francis	McAndrews	Stafford
Byrnes, S. C.	Frear	McClintic	Steagall
Byrns, Tenn.	Gallagher	McKenzie	Steenerson
Caldwell	Garner	McLaughlin, Mich.	Stevens, Miss.
Campbell, Kans.	Garrett, Tenn.	Madden	Stevenson
Campbell, Pa.	Garrett, Tex.	Mansfield	Stinson
Cannon	Gillett	Mapes	Sweet
Carew	Glynn	Martin	Swift
Cary	Godwin, N. C.	Mays	Tague
Claypool	Gordon	Moore	Thomas
Collier	Gould	Nelson	Thompson
Connally, Tex.	Gray, N. J.	Norton	Timberlake
Connolly, Kans.	Gregg	Oliver, N. Y.	Van Dyke
Cooper, W. Va.	Hamilton, Mich.	Overmyer	Vinson
Cooper, Wis.	Hamilton, N. Y.	Overstreet	Waldow
Cox	Hamlin	Padgett	Walsh
Cramton	Hardy	Park	Weaver
Crisp	Harrison, Miss.	Parker, N. Y.	White, Me.
Crosser	Helm	Peters	Williams
Currie, Mich.	Helvering	Polk	Wilson, Tex.
Dale, N. Y.	Hersey	Quin	Wise
Dale, Vt.	Hicks	Raker	Woodward
Decker	Hillard	Ramsey	Wright
Dempsey	Huddleston	Ramseyer	Young, Tex.

## NAYS—141.

Austin	Fisher	Ireland	Montague
Bacharach	Flood	Jacoway	Moore, Ind.
Bland	Focht	Johnson, Wash.	Morgan
Butler	Foss	Juul	Morin
Cantrill	Freeman	Kearns	Mott
Caraway	French	Kelly, Pa.	Mudd
Carlin	Fuller, Ill.	Kless, Pa.	Neely
Carter, Okla.	Gard	King	Nichols, Mich.
Chandler, Okla.	Good	Kitchin	Nolan
Clark, Pa.	Goodall	Knutson	Oldfield
Classon	Goodwin, Ark.	Kreider	Osborne
Crago	Graham, Ill.	La Follette	O'Shaunessy
Darrow	Graham, Pa.	Langley	Paige
Davis	Green, Iowa	Lea, Cal.	Parker, N. J.
Denison	Greene, Mass.	Lonegan	Phelan
Dent	Griest	Lufkin	Pratt
Dewalt	Hadley	Lundeen	Purnell
Dunn	Harrison, Va.	Lunn	Reavis
Dupré	Hastings	McArthur	Reed
Elliott	Haugen	McCulloch	Robbins
Ellsworth	Hayden	McFadden	Roberts
Fairchild, B. L.	Heaton	McKeown	Rogers
Fairfield	Hull, Iowa	McLemore	Rose
Farr	Hull, Tenn.	Mason	Rowe
Fields	Igoe	Merritt	Sanders, Ind.

Sanders, N. Y.	Smith, Idaho	Tinkham	Wheeler
Saunders, Va.	Smith, Mich.	Venable	White, Ohio
Schall	Snell	Vestal	Wilson, Ill.
Scott, Pa.	Steele	Volstead	Wingo
Sells	Sterling, Ill.	Walton	Wood, Ind.
Shouse	Strong	Ward	Woods, Iowa
Sims	Switzer	Wason	Young, N. Dak.
Sinnott	Taylor, Ark.	Watkins	Zihman
Slayden	Temple	Watson, Va.	
Slomp	Tillman	Webb	
Small	Tilson	Welty	

## ANSWERED "PRESENT"—4.

Browning	Larsen	Sabath	Treadway
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## NOT VOTING—111.

Anthony	Fairchild, G. W.	Kennedy, R. I.	Riordan
Baer	Ferris	Kettner	Robinson
Blackmon	Flynn	Kraus	Rodenberg
Booher	Fuller, Mass.	LaGuardia	Rowland
Bowers	Gallivan	Linthicum	Rucker
Britten	Gandy	Littlepage	Sanders, La.
Brodbeck	Garland	Longworth	Scott, Iowa
Brumbaugh	Glass	McCormick	Scott, Mich.
Candler, Miss.	Gray, Ala.	McKinley	Scully
Capstick	Greene, Vt.	McLaughlin, Pa.	Sherley
Carter, Mass.	Hamill	Magee	Stedman
Chandler, N. Y.	Haskell	Maher	Stephens, Nebr.
Church	Hawley	Mann	Sterling, Pa.
Clark, Fla.	Hayes	Meeker	Sullivan
Coady	Hefflin	Miller, Minn.	Summers
Cooper, Ohio	Heintz	Miller, Wash.	Talbott
Copley	Hensley	Mondell	Taylor, Colo.
Costello	Holland	Moore, Pa.	Templeton
Curry, Cal.	Hollingsworth	Nichols, S. C.	Townner
Dallinger	Hood	Oliver, Ala.	Vare
Davidson	Houston	Olney	Voigt
Dooling	Howard	Platt	Walker
Doremus	Husted	Porter	Watson, Pa.
Drukker	Johnson, S. Dak.	Pou	Welling
Eagle	Jones, Tex.	Powers	Whaley
Emerson	Jones, Va.	Price	Wilson, La.
Estopinal	Kahn	Ragsdale	Winslow
	Kelley, Mich.	Rainey	

So the motion to strike out the enacting clause was agreed to.  
The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMILL with Mr. ANTHONY.

Mr. LARSEN with Mr. PLATT.

Mr. GLASS with Mr. HAWLEY.

Mr. HEFLIN with Mr. DAVIDSON.

Mr. STEPHENS of Nebraska with Mr. MCKINLEY.

Mr. WELLING with Mr. KENNEDY of Rhode Island.

Mr. MCARTHUR. Mr. Speaker, I voted "nay" on the first call. I have a pair with the gentleman from Louisiana, Mr. DUPRE, and desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. CANNON, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

## LEAVE OF ABSENCE.

Mr. CANDLER of Mississippi, by unanimous consent, was granted leave of absence, for three days, on account of illness.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, February 21, 1918, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce, submitting supplemental estimate of appropriation required by the Department of Commerce for the fiscal year 1919 (H. Doc. No. 953), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10022) authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon known as the Arlington Hotel property, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Committee of the Whole House on the state of the Union.



## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8514) granting a pension to Charles H. Jessee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8685) granting a pension to Alonzo Hutchison; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9335) granting an increase of pension to Archie V. Chambers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9528) granting an increase of pension to Phebe Schonhoff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 10063) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. ALEXANDER: A bill (H. R. 10064) to amend an act approved May 9, 1888, as amended by the act of June 11, 1896, as amended by the act approved January 21, 1914; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: A bill (H. R. 10065) requiring receivers for national banks to file accounts in the district courts of the United States; to the Committee on Banking and Currency.

By Mr. TREADWAY: A bill (H. R. 10066) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 10067) amending section 3141 of the Revised Statutes of the United States, as amended by the act of July 16, 1914; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 10068) to punish the destruction and injury to property essential to the national security and defense; to the Committee on the Judiciary.

By Mr. SMALL: A bill (H. R. 10069) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: A bill (H. R. 10070) amending section 3285 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 10071) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. McLEMORE: Resolution (H. Res. 254) instructing the Judiciary Committee to inquire into the constitutionality of the vote by which the prohibition amendment was recently passed; to the Committee on Rules.

By Mr. HELVERING: Joint resolution (H. J. Res. 250) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from \$2 to \$2.75 per bushel; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10072) granting an increase of pension to James G. Overstreet; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 10073) granting an increase of pension to Simeon Chapman; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 10074) granting an increase of pension to C. W. Kerlee; to the Committee on Pensions.

By Mr. DALE of Vermont: A bill (H. R. 10075) for the relief of Oscar F. Perry; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 10076) granting an increase of pension to C. B. Bristol; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 10077) granting an increase of pension to John A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting a pension to Isabella Parsons; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10079) for the relief of James Kash Kash; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 10080) for the relief of Thomas H. Thorp; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 10081) granting a pension to Carey O. Amsbaugh; to the Committee on Pensions.

By Mr. LUNDEEN: A bill (H. R. 10082) for the relief of Catherine Mahady; to the Committee on Military Affairs.

Also, a bill (H. R. 10083) to correct the military record of the late Henry Smith, alias Henry Schmidt, alias Heinrich Schmidt; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10084) granting an increase of pension to Sidney W. Clark; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10085) granting an increase of pension to William Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Harrison Ruark; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 10087) granting an increase of pension to Mathias Steffas; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 10088) granting a pension to Julia A. Burton; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10089) granting an increase of pension to Milton T. Bedford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting a pension to Mary Kirchner; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 10091) granting an increase of pension to Joseph Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting an increase of pension to William H. Rees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting an increase of pension to John Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to George M. Foresman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Stanley Hallman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting an increase of pension to Theodore C. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) granting an increase of pension to Miles Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to William Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting an increase of pension to Jack Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10100) granting an increase of pension to Ephraim J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to John McKinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) granting an increase of pension to Hezekiah Axson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10103) granting an increase of pension to Missouri L. Herron; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Frederick Doyle, of Chicago, Ill., and a resolution of the Progressive Literary and Fraternal Club, Bellingham, Wash., asking for the repeal of the postal amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CAREW: Resolution of the Republican Club of the city of New York, urging universal military training; to the Committee on Military Affairs.

By Mr. CARY: Petition of the mayor of Sea Bright, N. J., asking for appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, memorial of the Railway Mail Association, tenth division, Watertown-Portage branch, asking for the passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Jones, secretary Cheese Shippers' Traffic Association, urging amendment of the pending railroad bill so that the Interstate Commerce Commission shall have full jurisdiction over freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick Doyle, of Chicago, Ill., and resolutions of the Progressive Literary and Fraternal Club, Bellingham, Wash., and the Woman's Improvement Club, Corona, Cal.

urging the repeal of periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of H. W. Van Tassel, Thomas Curran, J. Murray, George L. Woodward, and 18 others of the Musicians' Union, No. 17; also petition of M. V. B. Gifford, J. H. Durfield, L. E. Stancliff, F. D. Hatch, and 39 others, praying for the passage of House bill 7995 for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of Maude N. Brodeur and 11 other citizens of Berkeley, Cal., indorsing the Kelly bill, House bill 8761; also a resolution of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., favoring the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of P. Hall Packer, mayor of Sea Bright, N. J., asking for an appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, petition of Frederick Doyle, Chicago, Ill., and resolution of the Mishkawaka Woman's Club, Mishkawaka, Ind., asking for the repeal of the periodical postage amendment of the war-revenue act; to the Committee on Ways and Means.

By Mr. DARROW: Resolutions of the Lumbermen's Exchange, of Philadelphia, Pa., in behalf of the creation of a board of war control and the appointment of a director of munitions; to the Committee on Military Affairs.

Also, petition of the Philadelphia Central Labor Union in behalf of the Madden bill, House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of Fred Felton and 18 other citizens of South Dakota, asking for the repeal of the periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

Also, petition of A. C. Ellerman and 110 other citizens of South Dakota, asking that the spring game law, in reference to duck and goose shooting, be suspended for the duration of the war; to the Committee on Agriculture.

By Mr. DOOLING: Memorial of Brooklyn Surgical Society, favoring advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. ESCH: Papers in support of House bill 786, granting a pension to Lilla J. Darling; House bill 792, granting an increase of pension to William B. Hazeltine; House bill 796, granting an increase of pension to Silas D. Taylor; House bill 794, granting an increase of pension to Jesse Mather; House bill 788, granting a pension to Arabella Miller; House bill 787, granting a pension to Mary E. Jenks; and House bill 785, granting a pension to Hiram C. Barrows; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the Progressive Literary and Fraternal Club of Bellingham, Wash., and of Frederick Doyle, of Chicago, for repeal of the increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of Mrs. Bessie Fowler, of South Haven, Mich., for the Woman's Home Missionary Society of the Methodists of Kalamazoo District and for the Young People's work of the same society, protesting against the passage of Senate bill 3476; to the Committee on the District of Columbia.

By Mr. LINTHICUM: Resolution of Zeta Lodge, No. 2405, Fraternal Aid Union, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, a letter from Charles W. Hess, Baltimore, Md., urging the passage of the Van Dyke bill increasing salaries of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. M. Gray, Baltimore, Md., favoring the Keating bill, House bill 7356; to the Committee on Appropriations.

Also, petition of John T. Stone, and memorials of the Medical and Chirurgical Faculty of Maryland, the Baltimore City Medical Society, and the Council Medical Chirurgical Faculty of Maryland, all favoring legislation creating advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of the Cosmopolitan Club of Manchester, Conn., for the repeal of the postal increase; to the Committee on Ways and Means.

Also, resolutions of the Typographical Union of New Britain, Conn., protesting against the importation of Chinese coolies for labor or other purposes; to the Committee on Immigration and Naturalization.

By Mr. LUNDEEN: Petition of Minnehaha Lodge, No. 624, Brotherhood of Railroad Trainmen, Minneapolis, Minn., W. P. Kennedy, president, in opposition to section 9 of House bill 8172 or any compensation law affecting railway employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edwin Boutwell and others, that Congress define the number of hours that shall constitute a day's work, and that all work performed for the department shall be included in the day's work; also that all substitute railway clerks shall receive the same allowance for study that the regularly assigned clerks receive; and that the Van Dyke and Madden bills be passed with the provision "for the period of the war" struck out; to the Committee on the Post Office and Post Roads.

Also, petition of Col. Earl D. Luce, that Congress take over the short-line railroads; to the Committee on Railways and Canals.

Also, petition of the Plasterers and Cement Finishers of Minneapolis and St. Paul, by William Olson, financial secretary and business agent, St. Paul, Minn., requesting that Congress have the hospital buildings which the Government is now constructing at the various cantonments plastered to assure the comfort and health and sanitation of our soldiers; to the Committee on Military Affairs.

Also, petition of Hearts of Oak Lodge, No. 525, Brotherhood of Railroad Trainmen, Minneapolis, Minn., by M. O. Woods, president, in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minneapolis Local, No. 30, Switchmen's Union of North America, by Morris Full, secretary, Minneapolis, Minn., in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

By Mr. REED: Papers in support of House bill 9075; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10049; to the Committee on Pensions.

By Mr. WARD: Petition of Rev. H. Smith and other citizens of Woodbourne, N. Y., favoring enactment of Webb-Thompson bill, and other prohibition legislation pending in Congress; to the Committee on the Judiciary.

## SENATE.

THURSDAY, February 21, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thee from day to day as we come to face the solemn responsibilities of this place and hour. We would gain a deep appreciation of those rights and obligations that lie deeper than human government, deeper than all that we have control of in life. We pray Thee to give us spiritual vision to know the things that pertain to life eternal, that we may have constantly in view the everlasting kingdom of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1917, which was referred to the Committee on Printing.

### ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a supplemental estimate of appropriations in the sum of \$150,000 required by the Bureau of Mines for investigations concerning minerals needed for war purposes for the fiscal year 1918 (S. Doc. No. 178), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting a supplemental estimate of appropriation in the sum of \$1,185,000 required by the Postal Service for the fiscal year 1918 for the manufacture of stamps, stamped envelopes, stationery, etc., payable from postal revenues (S. Doc. No. 177), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 350,000 copies of the war excess-profits tax regulations No. 41, in which it requested the concurrence of the Senate.